



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शुद्धि-पत्र

राजपत्र, हिमाचल प्रदेश, 1 जुलाई, 2006/ 10 अप्रैल, 1928 के पृष्ठ 546 की 37वीं लाईन में छपे शब्द के "Amendment Rule" के स्थान पर शब्द "(3rd Amendment) Rules" पढ़े जाएं।

हस्ताक्षरित/-
उप-निदेशक,
मुद्रण तथा लेखन सामग्री विभाग,
शिमला-5 (हि० प्र०)।

अनुपूरक

23 सितम्बर, 2006/1 अगस्त, 1928 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'सप्ताहिक राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. EDN-C-A(1)/2006, dated 30th August, 2006.	Elementary Education	Notification regarding merger of 47 Government Primary Schools in the State of Himachal Pradesh with the nearly schools.
नं० ई० एक्स० एन०-एफ० (10)- 1/94-1, दिनांक 12 सितम्बर, 2006.	आवकारी एवं कराधान	जिला सोसन में मुत्तरवाला में स्थापित बहुदेशीय नाके को तुरन्त प्रभाव से बन्द करने के विस्तार तक, परिवर्तन करने के आदेश बारे अधिसूचना (इसके अंग्रेजी रूपान्तर सहित)।

भाग-1 वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा सविमूर्तनाए इरायि

हिमाचल प्रदेश हाई कोर्ट

NOTIFICATIONS

Shimla-171001, the 14-15th June, 2006

No. HHC/GAZ/14-253/2002-12991. Hon'ble the Chief Justice is pleased to grant 15 days paternity leave with effect from 13-6-2006 to 27-6-2006 in favour of Shri Gaurav Mahajan, Civil Judge (Jr. Divn.)-cum-JMIC, Barsar.

Certified that Shri Mahajan is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Mahjan would have continued to hold the post of Civil Judge (Jr. Divn.)-cum-JMIC, Barsar, but for his proceeding on leave for the above period.

Shimla-1, the 16th June, 2006

No. HHC Admn. 28 (8)/74-XII-13108-20. The Hon'ble High Court of Himachal Pradesh hereby orders that Civil Judge (Jr. Division)-cum-JMIC, Karsog shall hold the Circuit Court at Ani for one week every month, with immediate effect till an officer is appointed at Ani on regular basis.

Shimla-171001, the 16th June, 2006

No. HHC Admn. 3 (40)/74-III-13125. One day's earned leave for 5-6-2006 and 2 days commuted leave for 6-6-2006 and 7-6-2006 with permission to prefix Sunday falling on 4-6-2006 is hereby sanctioned *ex-post-facto* in favour of Shri Surinder Singh Thakur, Assistant Registrar of this Registry.

Certified that Shri Surinder Singh Thakur, is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Shri Surinder Singh Thakur, would have continued to officiate the same post of Assistant Registrar but for his proceeding on leave.

Shimla-171001, the 16/17th June, 2006

No. HHC/GAZ/14-223/96-13145. Hon'ble the Chief Justice is pleased to grant 6 days earned leave w. e. f. 26-6-2006 to 1-7-2006 with permission to prefix Sunday falling on 25-6-2006 and to suffix Sunday falling on 2-7-2006 in favour of Shri D. R. Thakur, Civil Judge (Sr. Division)-cum-ACJM, Sarkaghat.

Certified that Shri Thakur is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Thakur would have continued to hold the post of Civil Judge (Sr. Division)-cum-ACJM Sarkaghat, but for his proceeding on leave for the above period

Shimla-171001, the 16/17th June, 2006

No. HHC Admn. 6 (23)/74-XIII-13156. Hon'ble the Chief Justice in exercise of the powers vested in him under rule 1.26 of H. P. Financial Rules, 1971, Volume-I is pleased to declare the Civil Judge

(Sr. Divn.)-cum-ACJM, Sundertagar as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Sr. Divn.)-cum-ACJM, Sarkaghat and also the Controlling Officer for the purpose of T. A. etc. in respect of class II, III and IV establishment attached to the aforesaid courts under Head "2014 Administration of Justice" during the leave period of Shri D. R. Thakur, Civil Judge (Senior Division)-cum-ACJM, Sarkaghat w. e. f. 26-6-2006 to 1-7-2006 with permission to prefix Sunday falling on 25th June, 2006 and to suffix Sunday falling on 2nd July, 2006, or until he returns from leave.

Shimla-171002 the 16/17th June, 2006

No. HHC Admn. 6 (23)/74 XIII-13185. Hon'ble the Chief Justice in exercise of the powers vested in him under rule 1.26 of H. P. Financial Rules, 1971, Volume-I is pleased to declare the Civil Judge (Sr. Divn.)-cum-ACJM, Palampur as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Jr. Divn.)-cum-JMIC (2) Palampur and also the Controlling Officer for the purpose of T. A. etc. in respect of Class-II, III and IV establishments attached to the aforesaid courts under Head "2014 Administration of Justice" during the leave period of Shri Anooosh Garg, Civil Judge (Junior Division)-cum-JMIC (2), Palampur w. e. f. 26-6-2006 to 7-7-2006 with permission to prefix Sunday falling on 25th June, 2006 and to suffix Second Saturday and Sunday falling on 8th and 9th July, 2006 or until he returns from leave.

Shimla-1, the 23rd June, 2006

No. HHC Admn. 3 (87)/75-III-13712. 5 days commuted leave on and with effect from 12-6-2006 to 16-6-2006 with permission to prefix holidays falling on 10-6-2006 and 11-6-2006 is hereby sanctioned, *ex-post-facto*, in favour of Shri B. N. Negi, Court Secretary of this Registry.

Certified that Shri B. N. Negi, Court Secretary has joined the same post and at the same station from where he had proceeded on leave after expiry of the above leave period.

Certified that Shri B. N. Negi, would have continued to officiate the same post of Court Secretary but for his proceeding on leave.

By order,

Sd/-
Registrar General.

हिमाचल प्रदेश सरकार

PERSONNEL DEPARTMENT
(A-1)

NOTIFICATIONS

Shimla-171002, the 28th February, 2006

No. Per (AT) B (2)/6/84. On the recommendations of the Departmental Promotion Committee, the Governor, Himachal Pradesh is pleased to order the promotion of Shri C. R. Sharma, Additional Director of Horticulture, Himachal Pradesh, Dharamshala as Director of Horticulture in the pay scale of Rs. 18600-500-22100 on regular basis w. e. f. 1st March, 2006.

Shri C. R. Sharma shall be on probation for a period of 2 years or till the date he retire from service whichever is earlier.

Shimla-171002, the 17th April, 2006

No. Per (AT) AB(3)-14/99. The Governor, Himachal Pradesh is pleased to order that Shri Madan Lal Sharma, IAS (11P-93), shall retire from Government service on 28-02-2007 (A.N.) on attaining the age of superannuation.

Shimla-171002, the 3rd May, 2006

No. 3-79/71-11P Apptt-Vol-IV. The Governor, Himachal Pradesh, is pleased to order that Shri Ajay Prasad, IAS (11P-69), shall retire from Government service on 31-01-2007 (A.N.) on attaining the age of superannuation.

Shimla-171002, the 3rd May, 2006

No. Per (AP)AB(3)-83/97. The Governor, Himachal Pradesh is pleased to order that Shri P. C. Kashyap, IAS (11P-91) shall retire from Government service on 30-04-2007 (A.N.) on attaining the age of superannuation.

By order,

Sd/-
Chief Secretary.

(Secretariat Administration Services-I)

NOTIFICATION

Shimla-171002, the 25th July, 2005

No. Per (SAS-I) B (15)-2/96-II. The Governor, Himachal Pradesh is pleased to order that the following officers of Himachal Pradesh Secretariat, Shimla shall retire from Government Service with effect from the date shown against their names after attaining the age of superannuation:

Sl. No.	Name of Officer	Date of retirement
	S/Shri	
1.	Promod Chand, S.O.	30-09-2006
2.	Hari Nand, S. O.	30-9-2006

By order,

Sd/-
Secretary.

सिचाई एवं जन स्वास्थ्य विभाग

अधिसूचनाएं

शिमला-2, 29 अगस्त, 2006

संख्या सिचाई 11-78/2006-कांगड़ा. यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी अर्थ पर सार्वजनिक प्रयोजन हेतु नामतः गांव बलाह, तहसील ज्वाला, जिला कांगड़ा में जल भण्डार कोटला के निर्माण हेतु भूमि अधिग्रहण करनी परेशान है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निरदिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अधिग्रहण प्रयोजन है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों का, जो इसमें सम्बन्धित है या हो सकते हैं, को जानकारी के लिए भूमि अधिग्रहण अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वांका धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और अधिकारी को जल भण्डार या किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अर्पित प्रत्येक अनुमत सभी अन्य कार्यों का करने के लिए सहस्र अधिकार देते हैं।

4. कोई भी हितवद्ध व्यक्ति, जिसे उक्त परिक्षेत्र में कथित भूमि के अधिग्रहण पर कोई आपत्ति हो, तो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के अन्तर लिखित रूप में भू-अधिग्रहण समाह्वी, कांगड़ा, हिमाचल प्रदेश लोक निर्माण विभाग के समक्ष अपनी आपत्ति दायर कर सकता है।

विस्तृत विवरणी		तहसील ज्वाला	
जिला कांगड़ा	गांव	खसरा नं०	क्षेत्र (हेक्टेयर में)
	बलाह	1092/1 1091	0 10 32 0 00 25
किला	2		0 10 57

शिमला-2, 29 अगस्त, 2006

संख्या सिचाई 11-150/2005-कांगड़ा. यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी अर्थ पर सार्वजनिक प्रयोजन के लिए नामतः गांव इन्दपुर, तहसील इन्दौरा, जिला कांगड़ा में जल भण्डार नं० 38 के निर्माण के लिए भूमि का अधिग्रहण प्रयोजन है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित विस्तृत विवरणी में वर्णित भूमि उपरोक्त प्रयोजन के लिए अधिग्रहण प्रयोजन है।

2. भूमि अधिग्रहण अधिनियम, 1894 की धारा 6 के उपबन्धों के अन्तर्गत सभी सम्बन्धित व्यक्तियों को सूचना के लिए अधिग्रहण की जाती है तथा उक्त अधिनियम की धारा 7 के उपबन्धों के अन्तर्गत सभी भूमि अधिग्रहण, हिमाचल प्रदेश लोक निर्माण विभाग, कांगड़ा को उक्त भूमि के अधिग्रहण के लिए परिक्षेत्र देने का एतद्वारा निर्देश दिया जाता है।

3. भूमि अधिग्रहण अधिनियम, 1894 की धारा 7 के उपबन्धों के अन्तर्गत सभी भूमि अधिग्रहण, कांगड़ा, हिमाचल प्रदेश के कार्यालय में निरीक्षण किया जा सकता है।

विस्तृत विवरणी		तहसील इन्दौरा	
जिला कांगड़ा	गांव	खसरा नं०	क्षेत्र (हेक्टेयर में)
	इन्दपुर	1697	0 04 06

शिमला-2, 29 अगस्त 2006

संख्या सिचाई 11-79/2006-मालन. यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी अर्थ पर सार्वजनिक प्रयोजन हेतु नामतः गांव चमदार, उनाहरमात रामगढ़, जिला मालन में जल भण्डार परियोजना के अन्तर्गत जल भण्डार टैंक के निर्माण हेतु भूमि अधिग्रहण करनी परेशान है, अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निरदिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अधिग्रहण प्रयोजन है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों का, जो इसमें सम्बन्धित है या हो सकते हैं, को जानकारी के लिए भूमि अधिग्रहण अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वांका धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और अधिकारी को जल भण्डार या किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अर्पित प्रत्येक अनुमत सभी अन्य कार्यों का करने के लिए सहस्र अधिकार देते हैं।

4. कोई भी हितवद्ध व्यक्ति, जिसे उक्त परिक्षेत्र में कथित भूमि के अधिग्रहण पर कोई आपत्ति हो, तो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के अन्तर लिखित रूप में भू-अधिग्रहण समाह्वी, जिला, हिमाचल प्रदेश लोक निर्माण विभाग के समक्ष अपनी आपत्ति दायर कर सकता है।

विस्तृत विवरणी		उप-तहसील रामगढ़	
जिला मालन	गांव	खसरा नं०	क्षेत्र (हेक्टेयर में)
	चमदार	554/353/1	2 1

आदेश द्वारा,

हस्ताक्षरित/-
प्रधान सचिव।

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 31st August, 2005

No. Shram (A) 7-1/2005.—In exercise of the powers vested in him under section 17 (1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to order the publication of awards announced by the Presiding Officer, Labour Court, Dharamshala/ Shimla of the following cases in the H. P. Rajpatra :—

Sl. No. & Case No.	Title of the case
1	2
12. Ref. 5/2004 RBT. 340/04	Kishori Lal Vs. XEN, IPH Division Sundernagar, Mandi, H. P. and Others.
13. Ref. 14/2001 RBT. 349/04	Rup Lal Vs. XEN, IPH Division Sundernagar, Mandi, and Others.
14. Ref. 4/2004 RBT. 339/04	Param Dev Vs. XEN, IPH Division Sundernagar, Mandi, and Others.
15. Ref. 6/2004 RBT. 341/2004	Lachman Dass Vs. XEN, IPH Division Sundernagar, Mandi, and Others.
16. Ref. 7/2004 RBT. 342/04	Keshav Ram Vs. XEN, IPH Division Sundernagar, Mandi, and Others.
17. Ref. 11/2004 RBT. 346/04	Door Singh Vs. XEN, IPH Division Sundernagar, Mandi and Others.
18. Ref. 115/05	Anil Kumar Vs. Director, Social Welfare & Justice, Himachal Pradesh. Shimla and Others.

By order,

Sd/-
Secretary.

Certified copy of Award issued by Shri George, Presiding Judge, Labour Court-cum-Industrial Tribunal, Dharamshala, H. P. (Camp at Mandi)

Reference No. : 5/2004 (RBT No. 340/04)
Instituted on : 3-1-2004
Decided on : 21-7-2005

Shri Kishori Lal s/o Shri Goverdhan Singh, r/o Village Padhar, P.O. Thunag, Distt. Mandi, H. P.
.. Petitioner

1. Executive Engineer, I & PH, Sunder Nagar Division, Mandi, H.P.

2. Asstt Engineer, I & PH Sub-Division Thunag, Division Sunder Nagar, Distt. Mandi, H.P.

3. State of H. P. through its Secretary I & PH, Shimla H.P.

.. Respondents

"Reference under Section 10 of the Industrial Disputes Act, 1947."

For the petitioner : Shri K. S. Guleria, Adv.
For the respondents : Shri Rakesh Rana, AE/AR

AWARD

The following reference has been received from the appropriate government for adjudication :—

"Whether the termination of services of Sh. Kishori Lal s/o Sh. Goverdhan Singh daily wages beldar by the Executive Engineer, I & PH,

Division Sunder Nagar, Distt. Mandi, H. P. w. e. f. 15-11-2000 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified ? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to ?"

2. The petitioner filed statement of claim. Brief facts of the claim of the petitioner are that he was engaged as daily waged worker by the respondent No. 1 on muster roll basis from 21-3-1988 and he worked as such till 15-11-2000 with some artificial breaks. He further alleged that his services were terminated by the respondents in an illegal and arbitrary manner without giving any notice. The respondent have engaged many junior persons to the petitioners by giving contract to the contractors with a view to defeat the right of the petitioner. The petitioner approached the respondents to re-engage him but to no avail. However, the respondents orally assured to re-engage him. The services of the petitioner were terminated despite the fact that the work and funds were available with the respondents. The petitioner alleged that action of the respondents is unconstitutional, *malafide*, discriminatory, un-justified and against the mandatory provisions of Industrial Dispute Act, 1947 (hereinafter referred in short as the Act) The petitioner has prayed for his re-instatement with continuity of service by adding the period of artificial breaks given by the respondents, including all consequential benefits.

3. The claim of the petitioner is resisted and contested by the respondents. The respondents filed joint reply, wherein they raised preliminary objections in nutshell, *qua* maintainability and the petition is barred by limitation. On merits, the respondents alleged that the petitioner had worked intermittently as and when circumstances were convenient to him and he was not a continuous worker, therefore, the provisions of Industrial Disputes Act, 1947 are not applicable. However the petitioner has been disengaged on the principle of 1st come, last go. The respondents never interrupted the services of the petitioner, but the petitioner himself worked intermittently at his own sweet will as and when circumstances convenient to him. The petitioner engaged as a casual worker against various construction schemes, depending upon availability of work and funds. The petitioner was not in continuous service, hence no notice under section 52-F was required to be issued to the petitioner. As regards awarding of the work to the contractors is concerned, it is submitted that the respondents can carry out the work through contract under this law. The respondents denied that they have violated the principle of last come, first go. The respondents submitted that the petitioner has not completed 240 continuous working days in preceding 12 months, hence the petitioner is not entitled for any seniority. The respondents have prayed for dismissal of the petition with costs.

4. The petitioner filed a joinder wherein the petitioner re-affirmed and re-iterated the averments made in the petition and denied the assertions of the respondents made in the reply.

5. On the respective assertions of the parties, the following issues were framed on 24-11-2004:—

- Whether the termination of the services of the petitioner is in violation of the mandatory provisions of Industrial Disputes Act, 1947 ? If so, its effect ? OPP
- If issue No. 1 is proved in affirmative, to what relief, benefits alongwith amount of compensation the petitioner is entitled to ? OPP.
- Whether the petition is barred by limitation ?
- Relief OPR.

6. For the reasons to be recorded herein after my issue wise findings are as under:—

Issue No. 1 Yes
Issue No. 2 Yes

Issue No. 3

No

Relief

The petition is allowed as per operative part of the Award.

REASONS FOR FINDINGS

Issue No. 1 and 2.

7. Both the issues are inter-connected and hence taken together for discussions and findings.

8. The petitioner Kishori Lal tendered in evidence his affidavit Ex. PW1/A as PW1 where in he has stated that he was engaged as daily wage beldar by the respondents w. e. f. 21-3-1988 and his services were terminated with an illegal manner w. e. f. 16-11-2000. He was always ready to work with the respondent, but the respondent used to give him illegal breaks without any fault on his part and without complying the procedure in order to deprive him from attaining the status of a permanent workman, and despite the fact that the respondent had sufficient work, the petitioner was not allowed to work from 16-11-2000 onwards and the work against which he was working was allotted to a contractor in order to defeat his legal rights. He never abandoned the work at his own, but the respondent had not allowed him to work for a complete month. The respondent used to cause interruption in his service and used to appoint new workmen every year after his engagement and disengagement without maintaining any seniority list. The respondent also violated the principle of last come first go and his services were terminated time and again by way of victimisation, not in a good faith but in colourable exercise of employer's right for patently false reasons of un-true and trumped up allegations of absence from duty.

9. The respondents while cross-examining the petitioner Kishori Lal has not contradicted the material facts the petitioner has deposed in his Affidavit Ex. PW1/A in affirmative. The petitioner was put to the suggestion that he had not completed 240 days. The petitioner admitted this fact, but he explained that the department has given him breaks despite the fact that he made requests for not giving false breaks in his service. He denied that he used to remain absent at his own and that no junior to him was retained in service by the respondents. He stated that one Shri Tek Singh s/o Shri Maya, who is working with the respondents was junior to him.

10. The respondents in order to controvert the evidence of the petitioner examined one Shri Rakesh Rana, Assistant Engineer, IPH Sub-Division, Thunag, District Mandi, as RW1, who has stated that the petitioner was engaged as a daily wage beldar w. e. f. 21-3-1988 and he worked up to 16-11-2000. Thereafter, the petitioner left the work at his own. The petitioner could not complete 240 days in any of the year. The petitioner used to come on work as per his own will and he did not make any representation till date (i.e. 26-4-2005) for his disengagement w. e. f. 16-11-2000. He has brought on the record the mandays chart Ex. RW1 showing the working days of the petitioner as daily wage.

11. Shri Rakesh Rana, PW1, admitted in his cross-examination that the department used to prepare the seniority list of the daily wagers for their regularisation. He also admitted that the daily wagers re-engaged as and when the funds are available and the moment the funds are not available they are dis-engaged. The petitioner worked at different schemes and lastly he was working at Khildhar P W S S In the month of November due to snow fall the work was closed down and the petitioner was disengaged and later on this work was allotted to a contractor. He had shown his ignorance as how many persons were employed by the respondent department after the disengagement of the petitioner. He admitted that no seniority list has been prepared by the department for the implementation of Section 25-G and 25-H of the Act. He admitted that some of the persons junior to the petitioner are still working and the department is running 16/17

development schemes at present and the department is receiving the funds for these schemes. He also admitted that after the petitioner was dis-engaged, he was not given any notice to rejoin and further admitted that after the dis-engagement of the petitioner w. e. f. 16-11-2000 the department had not issued any muster roll and for this reason the petitioner was not re-engaged. He admitted that the petitioner was dis-engaged w. e. f. 16-11-2000 and the petitioner made requests and showed his willingness for his re-engagement. He denied that the petitioner was given artificial breaks so that the petitioner may not complete 240 working days and the department acted in mala fide manner so that the petitioner be not allowed to complete his 240 working days.

12. The main contention of the petitioner is that he was engaged w. e. f. 21-3-1988 and he continued to work with the respondents daily wage till 16-11-2000 when he was dis-engaged in an illegal manner. The respondents by giving illegal breaks did not allow the petitioner to complete 240 working days with a mala fide intention and junior of the petitioner were engaged, whereas the petitioner was not re-engaged despite his repeated requests.

13. The respondents have raised contradictory pleas. Firstly, that the petitioner used to remain absent and he could not complete 240 days in any year. He used to remain absent and he used to work according to his own will. The petitioner on 16-11-2000 left the job at his own. The second plea of the respondent is that the petitioner was working at a scheme known as Khildhar P W S S and the work of this scheme had to be close down due to a snow fall w. e. f. 16-11-2000.

14. Shri Rakesh Rana, RW1, has taken the first stand in his examination in chief and has taken all together different second stand in his cross-examination. It appears that the respondents are not actually aware, as to whether the services of the petitioner were dis-engaged or the petitioner voluntarily abandoned the job himself.

15. Shri Rakesh Rana, RW1, has stated that the petitioner could not complete 240 days in any year of his working and he had brought on the record the mandays chart Ex. RW1 of the petitioner.

16. The petitioner has not disputed the correctness of the mandays chart Ex. RW1, however, he has pleaded that the respondent used to give him fictional breaks with the clear intention not to allow the petitioner to complete his 240 working days. This claim of the petitioner is fully supported from the mandays chart Ex. RW1 brought on the record by the respondents.

17. It appears from the perusal of the mandays chart Ex. RW1 that the petitioner during the period of 12 calendar months preceding the date with reference to which calculation is to be made had actually worked for 324 days. The respondent with an intention not to allow the petitioner to complete his 240 working days used to issue the muster roll for shorter periods instead of issuing the muster roll for the entire months. It appears from the perusal of the mandays chart Ex. RW1 i. e. December, 1999 till November 15, 2000, the respondent gave the petitioner illegal breaks for a period of 107 days. The mandays chart Ex. RW1 reveals that the muster roll was issued for the month of December, 1999 for the period 5-12-1999 to 25-12-1999 and the petitioner worked for 20 days, whereas the muster roll was not issued for the remaining 10 days. Similarly, in January, 2000 muster roll was not issued and therefore, the petitioner was deprived of 31 working days. In June, 2000 the muster roll was issued for the period 5-6-2000 to 25-6-2000 and the petitioner worked for 21 days and for the remaining 9 days no muster roll was issued and the petitioner was deprived from continuing the work for the remaining period of 9 days in June, 2000. Similarly, the muster roll was issued for the month of July, 2000 w. e. f. 5-7-2000 to 25-7-2000. The petitioner worked for the entire period of 21 days and he was deprived of working of remaining 10 days. In the month of August, 2000 the muster roll was issued w. e. f. 1-8-2000 to 20-8-2000, and the petitioner worked for 18 days and the muster roll was not issued for

the remaining 11 days and therefore, the petitioner was deprived of working of the remaining 11 days. Similar is the position in the month of September, 2000. In September, 2000 also the muster roll was not issued for 21-9-2000 to 30-9-2000 and thus, the petitioner was deprived of working for 10 days. Similarly, in October, 2000 the petitioner was deprived of working for 11 days for non-issuance of muster roll and in November, 2000 the muster roll was issued only for the period 1-11-2000 to 15-11-2000 and the petitioner worked for 14 days and the services of the petitioner were dis-engaged w.e.f. 16-11-2000 and not on account of the reason that the petitioner abandoned the job himself, but on account of the reason that the work was closed down due to the snow fall, as has been admitted by Shri Rakesh Rana, RW1, in his cross-examination.

18. Taking into consideration the position as has been referred to herein above, the petitioner as per the calculations of the respondent in the last 12 preceding months i. e. December, 1999 to November, 2000 has worked for 217 days, and if, the period for which the petitioner was not allowed to work, not on account of his fault, but on account of the unfair labour practice adopted by the respondents by issuing the muster rolls for 20 days in a month instead of 30 days or so or for not issuing the muster rolls in the month of January, 2000, due to snow fall etc. for no fault of the petitioner, the total number of days which comes to 107 has to be accounted towards the continuous service of the petitioner as per sub-section (1) of Section 25-B of the Act, continuous service means:—

“25-B. Definition of continuous service.—For the purpose of this chapter:—

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman”.

19. The words “Cessation of work which is not due to any fault on the part of the workman” used in sub-section (1) of Section 25-B of the Act, has the clear meaning that the period of cessation of work has to be counted towards the continuous service of the workman. It has been held by the Hon'ble Bombay High Court in case titled “Kukadi Irrigation Project V. Waman, 1994 L. L. R. 381 (Bom) that:—

“That the period of cessation of work not due to any fault on the part of the employee, always gets calculated as a period of continuous service.”

20. The petitioner has thus completed 324 working days during the last 12 preceding months i. e. from December, 1999 to November, 2000 (i. e. 217 work days and 107 days on account of non-issuance of muster rolls by the respondents for different periods in different months as has been discussed herein above).

21. The requirement of statute of 240 working days thus, cannot be disputed. No doubt that it is for the workman concerned to prove that he has in fact completed 240 days in the preceding 12 months period which in the present case has been established beyond any reasonable doubt. Once it is proved that the petitioner being a workman has completed 240 working days during the period of 12 calendar months preceding the date with reference to which the calculation has to be made, the workman becomes entitled for the protection of Section 25-F of the Act. Section 25-F of the Act lays down the conditions precedent to retrenchment of a workman, which reads as under:—

“25-F : Conditions precedent to retrenchment of workman:—

No workman employed in any industry who has been in continuous service for not less than

one year under an employer shall be retrenched by that employer until:—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen day's average pay (for every completed year of continuous service) or part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate government by notification in the official gazette)”.

22. The conditions enumerated in Section 25-F (a), (b) and (c) of the Act are precedent. The provisions of Section 25-F are couched in mandatory form and non-compliance therewith as a result of rendering the order of retrenchment void, *ab initio* or *non est* (State of Rajasthan Vs. Usha Lokwani, 1994 L L R 369 (Raj.).

23. The Hon'ble Supreme Court in case titled “Auro Engg. Pvt. Ltd V. R. A. Gadekar”, 1992 (1) L L J 693, Mr. Justice B. N. Srikrishna, has explained the consequences of non-compliance of Section 25-F of the Act as under: —

“It is settled law that Section 25-F of the Act was introduced into the statute book by Parliament as a measure of amelioration. The Section is specifically intended to soften the blow of unemployment which would fall upon a workman, who is suddenly deprived of his source of livelihood. Considering the constraining and the economy of the country as a whole and that of the industrial units, Parliament has limited this amelioration to what is specifically provided in clauses (a) and (b) of section 25-F, viz. payment of one month's wage in lieu of notice and retrenchment compensation calculated in accordance with clause (b) of section 25-F, the section imposes a mandatory duty on the employer which is a condition precedent to retrenchment of workman. Consequently, contravention thereof, however, slight vitiates the act of retrenchment itself.” When a statute mandates a duty as a condition precedent for affecting retrenchment, there is no difficulty in holding that breach of the said condition invalidates the retrenchment and renders it *void ab initio*”.

24. From the evidence of the petitioner and the facts admitted by Shri Rakesh Rana, RW1, in his cross-examination and the facts as are emerging from the mandays chart Ex. RW1 brought on the record by the respondents, the petitioner has been able to prove that his services were terminated by the respondent in violation of the mandatory requirements of section 25-F of the Act and therefore, the dis-engagement of the petitioner is not only unfair, unjustified, but also illegal. It has been held by the Hon'ble Supreme Court in case titled “Deep Chandra Vs. State of Uttar Pradesh and Another”, 2001 : L R 312, that in case a workman is dis-engaged in violation of the mandatory requirements of Section 25-F of the Act, the workman is entitled for his re-instatement on the same terms and conditions in which he was working prior to his dis-engagement and consequently, the petitioner is entitled for all consequential service benefits including back wages. The Hon'ble Supreme Court has made the following observations in para 2 of the judgment that:—

“The High Court approached the matter rather strangely as it went at a tangent to consider not only whether the casual worker's services can be put to an end to but if the award made by the Labour

Court would make him permanent employee, so on and so forth. The High Court lost sight of the point in issue that is when an employee had put in service for more than 240 days in each year for several years whether his services can be put to an end to without following the procedure prescribed under Section 25-F of the Industrial Disputes Act. If there has been violation thereof such an employee will have to be re-instated in his original service on the same terms and conditions in which he was working earlier. If this is the position of law, we fail to understand as to how the High Court could have interfered with the award made by the Labour Court. We set aside the order made by the High Court and restore the award made by the Labour Court. The appeal is allowed accordingly."

25. The petitioner had claimed all service consequential benefits including backwages for his illegal termination in violation of the mandatory provisions of section 25-F (a), (b) and (c) of the Act, by the respondents.

26. The respondents have led no evidence on the record to show that the petitioner remained in gainful employment after his dis-engagement and also failed to bring on the record any plausible reasons as to why the petitioner is not entitled for all consequential service benefits on his re-instatement including back wages. Rather the contradictory stand has been taken by the respondents *i.e.* First, the petitioner left the job himself after 16-11-2000 and secondly, the work was closed due to snow fall in the area *w.e.f.* 16-11-2000 and therefore, the petitioner was dis-engaged from 16-11-2000.

27. It appears that the services of the petitioner were intentionally dis-engaged without the petitioner being shifted to some other available work/scheme within the sub-division or the division of the respondents during the snow season. The petitioner was thus pushed to relentless litigation for no fault on his part and therefore, the petitioner is not only entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination, but also for all consequential service benefits including seniority and back wages to the extent of 50%. Accordingly, both the issues are decided in favour of the petitioner and against the respondents.

Issue No. 3 :

28. The respondents have led no evidence on the record to show that the claim of the petitioner for his re-instatement on account of his illegal termination is barred by limitation. No period of limitation has been prescribed under the Act for raising an industrial dispute. However, in the peculiar facts and circumstances of the case, the Court should look into the other aspects of the case *i.e.* laches or un-explained delay caused by the petitioner in raising the industrial dispute. However, in the present case, the services of the petitioner were dis-engaged *w.e.f.* 16-11-2000 and he raised the industrial dispute with the Labour Department. The Labour department made efforts for conciliation, but when the conciliation failed, the Labour Officer, Mandi, sent the reference with his report to the Labour Commissioner, vide letter dated 17-3-2003. The Labour Commissioner took at least one year to refer the dispute for adjudication to this court vide letter dated 2-1-2004. There appears to be no delay and laches on the part of the petitioner in this case and therefore, the plea taken by the respondents that the petition is barred by limitation is un-sustainable. Otherwise also the Hon'ble Supreme Court in case titled "Sapan Kumar Pandit Vs. U. P. State Electricity Board 2001 LLR 900, has held as under :-

"Limitation-Principle of Limitation applicable for making reference-service of workman terminated on 17-7-1975 workman challenged his termination Government made reference on 29-3-1993 under Section 2, K. of the U. P. Industrial Disputes Act. Section 2-K is almost in tune with Section 10 of the Industrial Disputes Act,

Management filed petition--High Court quashed the reference order passed by the Government solely on the such delay, appeal-accepted—The High Court should not have quashed the reference. The words "At Any time" as used in the section are *prima facie* indicator to a period—without boundary."

29. In view of the position of law, which is fully applicable in the facts and circumstances of the present case, the stand taken by the respondents with regard to the limitation is un-sustainable. Accordingly, this issue is also decided in favour of the petitioner and against the respondents.

RELIEF

30. In view of my findings on above issues, since the services of the petitioner were terminated by the respondents in violation of the mandatory requirements of Section 25-F (a), (b) and (c) of the Act and therefore, the petitioner is entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination. The petitioner shall also be entitled for all consequential service benefits including seniority and back wages to the extent of 50%. The respondents are directed to re-engage the petitioner within 90 days from the date of announcement of this Award failing which the petitioner shall be entitled for full wages. The reference is answered accordingly.

31. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced 21-7-2005.

Seal.

GEORGE
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala, Himachal Pradesh.

In the Court of Shri George, Presiding, Judge, Labour Court-cum-Industrial Tribunal, Dharamshala, Camp at Mandi, Himachal Pradesh

Reference No.	..14/2001 (RBT No. 349/04).
Instituted on	..3-1-2004
Decided on	..21-7-2005

Shri Rup Lal Son of Shri Hira Singh, r/o Village Gayar, P. O. Chiuni, P. O. & Tehsil Thunag, District Mandi, Himachal Pradesh. .. Petitioner.

Vs.

1. Executive Engineer, IPH Division Sundernagar, Mandi, Himachal Pradesh.
2. Asstt. Engineer, IPH Sub-Division Thunag, Division Sundernagar, District Mandi, Himachal Pradesh.
3. State of Himachal Pradesh through its Secretary IPH, Saimla, Himachal Pradesh.

.. Respondents.

"Reference under section 10 of the Industrial Disputes Act."

For the petitioner : Shri K. S. Guleria, Adv.
For the respondents : Shri Rakesh Rana, A E/A R

AWARD

The following reference has been received from the appropriate Government for adjudication :-

"Whether the termination of service of Rup Lal son of Shri Hira Singh, daily wages Beldar by Executive Engineer, IPH, Division, Sundernagar, District Mandi, Himachal Pradesh *w.e.f.* 16-11-2000 without complying the provisions of Industrial Disputes Act, 1947 is proper and

justified. If not what relief of service benefit and amount of compensation the petitioner is entitled to?"

Relief

The petition is allowed as per operative part of the Award.

(REASONS FOR FINDING)

Issue No. 1 and 2 :

7. Both the issues are inter-connected and hence taken together for discussions and findings.

2. The petitioner filed statement of claim. Brief facts of the claim of the petitioner are that he was engaged as daily waged worker by the respondent No. 1 on muster roll basis from 21-8-1988 and he worked as such till 16-11-2000 with some artificial breaks. The petitioner further alleged that his services were terminated by the respondents in an illegal and arbitrary manner without giving any notice. The respondents have engaged many junior persons to the petitioner by giving contract to the contractors with a view to defeat the right of the petitioners. The petitioner approached the respondents to re-engage him, but to no avail. However, the respondents orally assured to re-engage him. The services of the petitioner were terminated despite the fact that the work and funds were available with the respondents. The petitioner alleged that action of the respondents is unconstitutional, malafide, discriminatory, unjustified and against the mandatory provisions of Industrial Disputes Act, 1947. The petitioner has prayed for his reinstatement with continuity of service by adding the period of artificial breaks given by the respondents, including all consequential benefits.

3. The claim of the petitioner is resisted and contested by the respondents. The respondents filed joint reply, wherein they raised preliminary objection in nutshell, qua maintainability and the petition is barred by limitation. On merits, the respondents alleged that the petitioner had worked intermittently as and when circumstances were convenient to him and he was not a continuous worker, therefore, the provisions of Industrial Disputes Act, 1947 are not applicable. However, the petitioner has been disengaged on the principle of 1st come, last go. The respondents never interrupted the services of the petitioner but the petitioner himself worked intermittently at his own sweet will as and when circumstances convenient to him. The petitioner engaged as a casual worker against various construction schemes, depending upon availability of the work and funds. The petitioner was not in continuous service, hence no notice under section 25-F was required to be issued to the petitioner. As regard awarding of the work to the contractors is concerned, it is submitted that the respondents can carry out the work through contract under the law. The respondents denied that the respondents have violated the principle of 1st come, first go. The respondents submitted that the petitioner has not completed 240 continuous working days in preceding 12 months, hence the petitioner is not entitled for any seniority. The respondents have prayed for dismissal of the petition with costs.

4. The petitioner filed rejoinder wherein, the petitioner re-affirmed and petitioner the averments, made in the claim petition and denied the assertions of the respondents made in the joint reply.

5. On the respective assertions of the parties, the following issue were framed on 24-11-2004:—

1. Whether the termination of the service of the petitioner is in violation of the mandatory provisions of Industrial Disputes Act, 1947 ? If so its effect ? .. OPP.
2. If issue No. 1 is proved in affirmative, to what relief, benefits alongwith amount of compensation the petitioner is entitled to ? .. OPP.
3. Whether the petition is barred by limitation ? .. OPR.
4. Relief.

6. For the reason to be recorded hereinafter my issuewise findings are as under:—

Issue No. 1 .. Yes

Issue No. 2 .. As per operative part of Award.

Issue No. 3 .. No

8. The petitioner Rup Lal tendered in evidence his Affidavit Ex. PW1/A as PW1 where in he has stated that he was engaged as daily wage beldar by the respondents w. e. f. 21-8-1988 and his services were terminated with an illegal manner w. e. f. 16-11-2000. He was always ready to work with the respondent, but the respondents used to give him illegal breaks without any fault on his part and without complying the procedure in order to deprive him from attaining the status of a permanent workman, and despite the fact that the respondent had sufficient work, the petitioner was not allowed to work from 16-11-2000 onwards and the work against which he was working was allotted to a contractor in order to defeat his legal rights. He never abandoned the work at his own, but the respondent had not allowed him to work for a complete month. The respondent used to cause interruption in his service and used to appoint new workman every year after his engagement and dis-engagement without maintaining any seniority list. The respondent also violated the principle of last come first go and his services were terminated time and again by way of victimisation, not in a good faith but in colourable exercise of employer's right for patently false reasons of untrue and trumped up allegations of absence from duty.

9. The respondents while cross-examining the petitioner Rup Lal has not contradicted the material facts the petitioner has deposed in his affidavit Ex. PW1/A in affirmative. The petitioner was put to the suggestion that he had not completed 240 days. The petitioner admitted this fact, but he explained that the department has given him breaks despite the fact that he made requests for not giving false breaks in his service. He denied that he used to remain absent at his own and that no junior to him was retained in service by the respondent. He stated that one Shri Tek Singh s/o Shri Maya, who is working with the respondent was junior to him.

10. The respondents in order to controvert the evidence of the petitioner examined one Shri Rakesh Rana, Assistant Engineer, IPH Sub-Division, Thunag, District Mandi, as RW1, who has stated that the petitioner was engaged as a daily wage beldar w. e. f. 21-8-88 and he worked upto 16-11-2000. Thereafter, the petitioner left the work at his own. The petitioner could not complete 240 days in any of the year. The petitioner used to come on work as per his own will and he did not make any representation till date (i. e. 26-4-2005) for his disengagement w. e. f. 16-11-2000. He has brought on the record the mandays chart Ex. RW1 showing the working days of the petitioner as daily wage.

11. Shri Rakesh Rana, PW1, admitted in his cross-examination that the department used to prepare the seniority list of the daily wagers for their regularisation. He also admitted that the daily wagers re-engaged as and when the funds are available and the moment the funds are not available they are disengaged. The petitioner worked at different schemes and lastly he was working at Kildhar P. W. S. S. In the month of November due to snow fall the work was closed down and the petitioner was disengaged and later on this work was allotted to a contractor. He had shown his ignorance as how many persons were employed by the respondent department after the disengagement of the petitioner. He admitted that no seniority list has been prepared by the department for the implementation of Section 25-G and 25-H of the Act. He admitted that some of the persons junior to the petitioner are still working and the department is running 16/17 development schemes at present and the department is receiving the funds for these schemes. He also admitted that after the petitioner was dis-engaged, he was not given any notice to rejoin and further admitted

that after the dis-engagement of the petitioner *w. e. f.* 16-11-2000 the department had not issued any muster roll and for this reasons the petitioner was not re-engaged. He admitted that the petitioner was dis-engaged *w. e. f.* 16-11-2000 and the petitioner made request and showed his willingness for his re-engagement. He denied that the petitioner was given artificial breaks so that the petitioner may not complete 240 working days and the department acted in malafide manner so that the petition be not allowed to complete his 240 working days.

12. The main contention of the petitioner is that he was engaged *w. e. f.* 21-8-1988 and he continued to work with the respondents as daily wage till 16-11-2000 when he was dis-engaged in an illegal manner. The respondents by giving illegal breaks did not allow the petitioner to complete 240 working days with a malafide intention and juniors of the petitioner were engaged, whereas the petitioner was not re-engaged despite his repeated requests.

13. The respondents have raised contradictory pleas. Firstly, that the petitioner used to remain absent and he could not complete 240 days in any year. He used to remain absent and he used to work according to his own will. The petitioner on 16-11-2000 left the job at his own. The second plea of the respondents is that the petitioner was working at a scheme known as Khildhar P.W.S.S. and the work of this scheme had to be closed down due to snow fall *w. e. f.* 16-11-2000.

14. Shri Rakesh Rana, RW 1, has taken the first stand in his examination in chief and has taken all together different the second stand in his cross-examination. It appears that the responder ts are not actually aware, as to whether the services of the petitioner were disengaged or the petitioner voluntarily abandoned the job himself.

15. Shri Rakesh Rana, RW 1, has stated that the petitioner could not complete 240 days in any year of his working and he had brought on the record the mandays chart Ex. RW1 of the petitioner.

16. The petitioner has not disputed the correctness of the mandays chart Ex. RW1, however, he has pleaded that the respondents used to give him fictional breaks with the clear intention not to allow the petitioner to complete his 240 working days. This claim of the petitioner is fully supported from the mandays chart Ex. RW1 brought on the record by the respondents.

17. It appears from the perusal of the mandays chart Ex. RW1 that the petitioner during the period of 12 calendar months preceding the date with reference to which the calculation is to be made had actually worked for 315 days. The respondents with an intention not allow the petitioner to complete his 240 working days used to issue the muster roll for the shorter periods instead of issuing the muster rolls for the entire months. It appears from the perusal of the mandays chart Ex. RW1 *i. e.* December, 1999 till November, 15, 2000, the respondent gave the petitioner illegal breaks for a period of 107 days. The mandays chart Ex. RW1 reveals that the muster was issued for the month of December, 1999 for the period 5-12-1995 to 29-12-1999 and the petitioner worked for 21 days, whereas the muster was not issued for the remaining 10 days. Similarly, in January, 2000 muster roll was not issued and therefore, the petitioner was deprived of 31 working days. In June, 2000 the muster roll was issued for the period 5-6-2000 to 25-6-2000 and the petitioner worked for 21 days and for the remaining 9 days no muster roll was issued and the petitioner was deprived from continuing the work for the remaining period of 9 days in June, 2000. Similarly, the muster roll was issued for the month of July, 2000 *w. e. f.* 5-7-2000 to 25-7-2000 and the petitioner worked for 16 days and he was deprived of working of remaining 10 days. In the month of August, 2000 the muster roll was issued *w. e. f.* 1-8-2000 to 20-8-2000 and the petitioner worked for 18 days and the muster roll was not issued for the remaining 11 days and therefore, the petitioner was deprived of working of the remaining 11 days. Similar is the position in the month of September, 2000. In September, 2000 also the muster roll was not issued for 21-9-2000 to 30-9-2000 and thus, the petitioner

was deprived of working for 10 days. Similarly, in October, 2000 the petitioner was deprived of working on 11 days for non issuance of muster roll and in November, 2000 the muster roll was issued only for the period 1-11-2000 to 15-11-2000 and the petitioner worked for 14 days and the services of the petitioner were dis-engaged *w. e. f.* 16-11-2000 and non on account of the reason that the petitioner abandoned the job himself, but on account of the reason that the work was closed down due to the snow fall, as has been admitted by Shri Rakesh Rana, RW1, in his cross-examination.

18. Taking into consideration the position as has been referred to herein above, the petitioner as per the calculation of the respondents in the last 12 preceding months *i. e.* December, 1999 to November, 2000 has worked for 208 days and if the period for which the petitioner was not allowed to work not on account of his fault, but on account of the unfair labour practice adopted by the respondents by issuing the muster rolls for 20 days in a months instead of 30 days or so or for not issuing the muster rolls in the month of January 2000 due to snow fall etc. for no fault of the petitioner, the total number of days which comes to 107 has to be accounted towards the continuous service of the petitioner as per sub-section (1) of Section 25-B of the Act, continuous service means:—

“25-B.—Definition of continuous service—For the purpose of this chapter :—

- (1) A workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman”.

19. The words “Cessation of work which is not due to any fault on the part of the workman” used in sub-section (1) of section 25-B of the Act, has the clear meaning that the period of cessation of work has to be counted towards the continuous service of the workman. It has been held by the Hon'ble Bombay High Court in case title “Kukadi Irrigation Project v. Waman, 1994 LLR 381 (Bom.)” that :—

“That the period of cessation of work not due to any fault on the part of the employee, always gets calculated as a period of continuous service”.

20. The petitioner has thus completed 315 working days during the last 12 preceding months *i. e.* from December, 1999 to November, 2000 (*i. e.* 208 working days and 107 days on account of non-issuance of muster rolls by the respondents for different periods in different months as has been discussed herein above).

21. The requirement of statute of 240 working days thus, cannot be disputed. No doubt that it is for the workman to prove that he has infact completed 240 days in the preceding 12 months period which in the present case has been established beyond any reasonable doubt. Once it is proved that the petitioner being a workman has completed 240 working days during the period of 12 calendar months preceding the date with reference to which the calculation has to be made, the workman becomes entitled for the protection of Section 25-F of the Act. Section 25-F of the Act lays down the conditions precedent to retrenchment of a workman, which reads as under :—

“25-F. Conditions precedent to retrenchment of workman:—

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :—

- (a) the workman has been given one month's notice in writing indicating the reasons for

retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice :

- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or part thereof in excess of six months ; and
- (c) notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate government by notification in the official gazette)."

22. The conditions enumerated in Section 25-F (a), (b) and (c) of the Act are precedent. The provisions of Section 25-F are couched in mandatory form and non-compliance therewith has a result of rendering the order of retrenchment void, *ab initio* or nonest (State of Rajasthan Vs. Miss Usha Lokwani, 1994 LLR 369 (Raj.).

23. The Hon'ble Supreme Court in case titled "Auro Engg. Pvt. Ltd. v. R. A. Gadekar", 1992 (1) LLJ 693, Mr. Justice B. N. Sikrishana, has explained the consequences of non-compliance of section 25-F of the Act as under :—

"It is settled law that Section 25-F of the Act was introduced into the statute book by parliament as a measure of amelioration. The Section is specifically intended to soften the blow of unemployment which would fall upon a workman, who is suddenly deprived of his livelihood. Considering the constraining on the economy of the country as a whole and that of the industrial units, Parliament has limited this amelioration to what is specifically provided in clauses (a) and (b) of section 25-F, viz. payment of one month's wage in lieu of notice and retrenchment compensation calculated in accordance with clause (b) of Section 25-F, the Section imposes a mandatory duty on the employer, which is a condition precedent to retrenchment of workman. Consequently, contravention thereof, however, slight vitiates the act of retrenchment itself. When a statute mandates a duty as a condition precedent for affecting retrenchment, there is no difficulty in holding that breach of the said condition invalidates the retrenchment and renders it void *ab initio*".

24. From the evidence of the petitioner and the facts admitted by Shri Rakesh Rana, RW1, in his cross-examination and the facts as are emerging from the mandays chart Ex. RW1 brought on the record by the respondents, the petitioner has been able to prove that his services were terminated by the respondent in violation of the mandatory requirements of section 25-F of the Act and therefore, the dis-engagement of the petitioner is not only unfair, unjustified, but also illegal. It has been held by the Hon'ble Supreme Court in case titled "Deep Chandra vs. State of Uttar Pradesh and Another", 2001 LLR 312, that in case a workman is disengaged in violation of the mandatory requirements of Section 25-F of the Act, the workman is entitled for his re-instatement on the same terms and conditions in which he was working prior to his disengagement and consequently, the petitioner is entitled for all consequential service benefits including back wages. The Hon'ble Supreme Court has made the following observations in para 2 of the judgement that :—

"The High Court approached the matter rather strangely as it went at a tangent to consider not only whether the casual worker's services can be put to an end to but if the award made by the Labour Court would make him permanent employee, so on and so forth. The High Court lost sight of the point in issue that is when

an employee had put in service for more than 240 days in each year for several years whether his services can be put to an end to without following the procedure prescribed under Section 25-F of the Industrial Disputes Act. If there has been violation thereof such an employee will have to be re-instated in his original service on the same terms and conditions in which he was working earlier. If this is the position of Law, we fail to understand as to how the High Court could have interfered with the award made by the Labour Court. We set aside the award made by the High Court and restore the award made by the Labour Court. The appeal is allowed accordingly".

25. The petitioner had claimed all service consequential benefits including back wages for his illegal termination in violation of the mandatory provisions of Section 25-F (a), (b) and (c) of the Act, by the respondents.

26. The respondents have led no evidence on the record to show that the petitioner remained in gainful employment after his dis-engagement and also failed to bring on the record any plausible reasons as to why the petitioner is not entitled for all consequential service benefits on his re-instatement including back wages. Rather the contradictory stand has been taken by the respondents i. e. First, the petitioner left the job himself after 16-11-2000 and secondly the work was closed due to snow fall in the area w. e. f. 16-11-2000 and therefore, the petitioner was disengaged from 16-11-2000.

27. It appears that the services of the petitioner were intentionally dis-engaged without the petitioner being shifted to some other available work/scheme within the sub-division or the division of the respondents during the snow season. The petitioner was thus pushed to relentless litigation for no fault on his part and therefore, the petitioner is not only entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination, but also for all consequential service benefits including seniority and back wages to the extent of 50%. Accordingly, both the issues are decided in favour of the petitioner and against the respondents.

Issue No. 3 :

28. The respondents have led no evidence on the record to show that the claim of the petitioner for his re-instatement on account of his illegal termination is barred by limitation. No period of limitation has been prescribed under the Act for raising an industrial dispute. However, in the peculiar facts and circumstances of the case, the court should look into the other aspects of the case i. e. laches or un-explained delay caused by the petitioner in raising the industrial disputes. However, in the present case the services of the petitioner were disengaged w. e. f. 16-11-2000 and he raised the industrial dispute with the Labour Department. The Labour Department made efforts for conciliation, but when the conciliation failed the Labour Officer, Mandi, sent the reference with his report to the Labour Commissioner, vide letter dated 17-3-2003. The Labour Commissioner took atleast one year to refer the dispute for adjudication to this court vide letter dated 2-1-2004. There appears to be no delay and laches on the part of the petitioner in this case and therefore, the plea taken by the respondents that the petition is barred by limitation is unsustainable. Otherwise also the Hon'ble Supreme Court in case titled "Sapan Kumar Pandit Vs. U. P. State Electricity Board", 2001 LLR 900, has held as under :—

"Limitation—Principle of Limitation applicable for making reference—Service of workman terminated on 17-7-1975 workman challenged his termination Government made reference on 29-3-1993 under Section 2 K of the U. P. Industrial Disputes Act. Section 2 K is almost in tune with section 10 of the Industrial Disputes Act. Management filed petition—High

Court quashed the reference order passed by the Government solely on the such delay, appeal-accepted. The Court should not have quashed the reference. The words "At Any time" as used in the Section are *prima facie* indicator to a period without boundary."

29. In view of the position of law, which is fully applicable in the facts and circumstances of the present case, the stand taken by the respondents with regard to the limitation is un-sustainable. Accordingly, this issue is also decided in favour of the petitioner and against the respondents.

RELIEF

30. In view of my findings on above issues, since the services of the petitioner were terminated by the respondents in violation of the mandatory requirements of Section 25-F (a), (b) and (c) of the Act and therefore, the petitioner is entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination. The petitioner shall also be entitled for all consequential service benefits including seniority and back wages to the extent of 50%. The respondents are directed to re-engage the petitioner within 90 days from the date of announcement of this Award failing which the petitioner shall be entitled for full wages. The reference is answered accordingly.

31. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced.
21-7-2005.

Seal. **GEORGE,**
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala, Camp at Mandi, Himachal Pradesh.

Certified Copy
Before Shri George, Presidigg Judge, Labour Court-
cum-Industrial Tribunal, Dharamshala, Camp at
Mandi, Himachal Pradesh

Reference No.	4/2004 (RBT No. 339/04).
Presented on	3-1-2004.
Date of award	21-7-2005.

Shri Param Dev son of Shri Daya Ram, r/o Village Helan, P. O. Baga Chanogi, Tensil Thunag, District Mandi, Himachal Pradesh .. Petitioner.

Vs.

1. Executive Engineer, I&PH Division Sundernagar, Mandi, Himachal Pradesh.
 2. Asstt. Engineer, I&PH Thunag, Division Sundernagar, Mandi, Himachal Pradesh.
 3. State of Himachal Pradesh through its Secretary, IPH, Shimla, Himachal Pradesh.
- .. Respondents.

Reference under section 10 of the Industrial Disputes Act, 1947.

For the petitioner : Shri K. S. Guleria, Adv.
For the respondents : Shri Rakesh Rana, AE/AR.

AWARD

The following reference has been received by this court from the appropriate Government for adjudication:

"Whether the termination of service of Shri Param Dev son of Shri Daya Ram, daily wages Beldar by the Executive Engineer, IPH Division Sundernagar, District Mandi, H.P. w.e.f. 16-11-2000 without complying the provisions of the industrial Disputes Act, 1947 is proper & justifi-

fied ? If not what relief of service benefits the the petitioner/workman is entitled to ?".

2. The petitioner filed statement of claim. Brief facts of the claim of the petitioner are that he was engaged as daily waged worker by the respondent No. 1 on muster roll basis from 21-4-1988 and he worked as such till 16-11-2000 with some artificial breaks. The petitioner further alleged that his services were terminated by the respondents in an illegal and arbitrary manner without giving any notice. The respondents have engaged many junior persons to the petitioner by giving contract to contractor with a view to defeat the rights of the petitioner. The petitioner approached the respondents to re-engage him but to no avail. However, the respondents orally assured to re-engage him. The services of the petitioner were terminated despite the fact that the work and funds were available with the respondents. The petitioner alleged that action of the respondents, is unconstitutional, malafide discriminatory, unjustified and against the mandatory provision of Industrial Disputes Act, 1947. Hereinafter referred in short as the Act. The petitioner has prayed for his re-instatement with continuity of service by adding the period of artificial breaks given by respdt. including all consequential benefits.

3. The claim of the petitioner is resisted and contested by the respondents. The respondents filed joint reply, wherein they raised preliminary objection in nut shell qua maintainability and the petitioner is barred by limitation. On merits, the respondents alleged that the petitioner had worked intermittently as and when circumstances were convenient to him and he was not a continuous worker, therefore the provisions of Industrial Disputes Act, 1947 are not applicable. However, the petitioner has been dis-engaged on the principle of 1st come, last go. The respondents never interrupted the services of the petitioner but the petitioner himself worked intermittently at his own sweet will as and when circumstances convenient to him. The petitioner engaged as casual worker against various construction schemes depending upon availability of work and funds. The petitioner was not in continuous service hence no notice under section 25 (F) was required to be issued to him. As regard awarding of the work to the contractor is concerned, it is submitted that the respondent can carry out the work through contract under the law. The respondents denied that the respondents have violated the principle of Last come, 1st Go. The respondents submitted that the petitioner has not completed 240 continuous working days in preceding 12 months hence the petitioner is not entitled for any seniority. The respondents have prayed for dismissal of the petition with costs.

4. The petitioner filed rejoinder wherein the petitioner re-affirmed and re-iterated the averments made in the statement of claim and denied the assertions of the respondents made in the reply. On the respective assertions of the parties, the following issues were framed on 24-11-2004 :

1. Whether the termination by service of the petitioner is in violative of the mandatory provisions of Industrial Disputes Act, 1947 if so its effect ? .. OPP.
 2. If issue No. 1 is proved in affirmative, to what relief, benefits alongwith the amount of compensation the petitioner is entitled to ? .. OPP.
 3. Whether the petition is barred by limitation ? .. OPP.
- Relief. !

5. For the reasons to be recorded hereinafter my findings on the aforesaid issues are as under:—

Issue No. 1	Yes.
Issue No. 2	As per operative part of award.
Issue No. 3	No.
Relief	The petitioner is allowed as per operative part of the Award.

REASONS FOR FINDINGS

Iss No. 1 and 2 :

6. Both the issues are inter-connected and hence taken together for discussions and findings.

7. The petitioner Param Dev tendered in evidence his affidavit Ex. PW1/A as PW1 wherein he has stated that was engaged as daily wage beldar by the respondents w.e.f. 21-4-1988 and his services were terminated with an illegal manner w.e.f. 16-11-2000. He was always ready to work with the respondents, but the respondents used to give him illegal breaks without any fault on his part and without complying the procedure in order to deprive him from attaining the status of a permanent workman, and despite the fact that the respondents had sufficient work, the petitioner was not allowed to work from 16-11-2000 onwards and the work against which he was working was allotted to a contractor in order to defeat his legal rights. He never abandoned the work at his own, but the respondents had not allowed him to work for a complete month. The respondents used to cause interruption in his service and used to appoint new workman every year after his engagement and dis-engagement without maintaining any seniority list. The respondents also violated the principle of last come first go and his services were terminated time and again by way of victimisation not in a good faith, but in colourable exercise of employer's right for patently false reasons of untrue and trumped up allegations of absence from duty.

8. The respondents while cross-examining the petitioner Param Dev has not contradicted the material facts the petitioner has deposed in his affidavit Ex. PW1/A in affirmative. The petitioner was put to the suggestion that he had not completed 240 days. The petitioner admitted this fact, but he explained that the department has given him breaks despite the fact that he made requests for not giving false breaks in his service. He denied that he used to remain absent at his own and that no junior to him was retained in service by the respondents. He stated that one Shri Tek Singh s/o Sh. Maya, who is working with the respondents was junior to him.

9. The respondents in order to controvert the evidence of the petitioner examined one Shri Rakesh Rana, Assistant Engineer, IPH Sub-Division, Thunag, District Mandi, as RW1, who has stated that the petitioner was engaged as a daily wage beldar w.e.f. 21-4-1988 and he worked upto 16-11-2000. Thereafter, the petitioner left the work at his own. The petitioner could not complete 240 days in any of the year. The petitioner used to come on work as per his own will and he did not make any representation till date (i.e. 26-4-2005) for his dis-engagement w.e.f. 16-11-2000. He has brought on the record the mandays chart Ex. RW1 showing the working days of the petitioner as daily wage.

10. Shri Rakesh Rana, RW1, admitted in his cross examination that the department used to prepare the seniority list of the daily wagers for their regularisation. He also admitted that the daily wage re-engaged as and when the funds are available and the moment the funds are not available they are dis-engaged. The petitioner worked at different schemes and lastly he was working at khildhar P. W. S. S. In the month of November due to snow fall the work was closed down and the petitioner was dis-engaged and later on this work was allotted to a contractor. He had shown his ignorance as how many persons were employed by the respondent department after the dis-engagement of the petitioner. He admitted that no seniority list has been prepared by the department for the implementation of section 25-G and 25-H of the Act. He admitted that some of the persons junior to the petitioner are still working and the department is running 16/17 development schemes at present and the department is receiving the funds for these scheme. He also admitted that after the petitioner was dis-engaged, he was not giving any notice to rejoin and further admitted that after

the dis-engagement of the petitioner w.e.f. 16-11-2000 the department had not issued any muster roll and for this reasons the petitioner was not re-engaged. He admitted that the petitioner was dis-engaged w.e.f. 16-11-2000 and the petitioner made requests and showed his willingness for his re-engagement. He denied that the petitioner was given artificial breaks so that the petitioner may not complete 240 working days and the department acted in malafide manner so that the petitioner he not allowed to complete his 240 days working days.

11. The main contention of the petitioner is that he was engaged w.e.f. 21-4-1988 and he continued to work with the respondents as daily wage till 16-11-2000 when he was dis-engaged in an illegal manner. The respondents by giving illegal breaks did not allow the petitioner to complete 240 working days with a malafide intention and juniors of the petitioner were engaged, whereas as petitioner was not re-engaged despite his repeated requests.

12. The respondents have raised contradictory pleas. Firstly, that the petitioner used to remain absent and he could not complete 240 days in any year. He used to remain absent and he used to work according to his own will. The petitioner on 16-11-2000 left the job at his own. The second plea of the respondents is that the petitioner was working at a scheme known as khildhar P. W. S. S. and the work of this scheme had to be close down due to snow fall w.e.f. 16-11-2000.

13. Shri Rakesh Rana, RW1, has taken the first stand in his examination in chief and has taken all together different the second stand in his cross-examination. It appears that the respondents are not actually aware, as to whether the services of the petitioner were dis-engaged or the petitioner voluntarily abandoned the job himself.

14. Shri Rakesh Rana, PW1, has stated that the petitioner could not complete 240 days in any year of his working and he had brought on the record the mandays chart Ex. RW1 of the petitioner.

15. The petitioner has not disputed the correctness of the mandays chart Ex. RW1, however, he has pleaded that the respondents used to give him fictional breaks with the clear intention not to allow the petitioner to complete his 240 working days. This claim of the petitioner is fully supported from the mandays chart Ex. RW1 brought on the record by the respondents.

16. It appears from the perusal of the mandays chart Ex. RW1 that the petitioner during the period of 12 calendar months preceding the date with reference to which the calculation is to be made had actually worked for 210-1/2 days. The respondents with an intention not to allow the petitioner to complete his 240 working days used to issue the muster roll for shorter periods instead of issuing the muster roll for the entire months. It appears from the perusal of mandays chart Ex. RW1 i.e. December, 1999 till November 15, 2000, the respondents gave the petitioner illegal breaks for a period of 92 days. The mandays chart Ex. RW1 reveals that the muster roll was issued for a month of December, 1999 for the period 5-12-1999 to 25-12-1999 and the petitioner worked for 21 days, whereas the muster roll was not issued for the remaining 10 days. Similarly, in January, 2000 muster roll was not issued and therefore, the petitioner was deprived of 31 working days. In June 2000 the muster roll was issued for the period 5-6-2000 to 25-6-2000 and the petitioner worked for 21 days and for the remaining 9 days no muster roll was issued and the petitioner was deprived from continuing the work for the remaining period of 9 days in June, 2000. Similarly, the muster roll was issued for the month of July, 2000 w.e.f. 5-7-2000 to 25-7-2000. The petitioner worked for the period of 19 days and he was deprived of working of remaining 10 days. In the month of August, 2000 the muster roll was issued w.e.f. 1-8-2000 to 20-8-2000 and the petitioner worked for 18 days and the muster roll was not issued for the remaining 11 days and therefore, the petitioner was deprived of working of the remaining 11 days. Similar is the position in the month of September,

2000. In September, 2000 also the muster roll was not issued for 21-9-2000 to 30-9-2000 and thus, the petitioner was deprived of working for 10 days. Similarly, in October 2000 the petitioner was deprived of working for 11 days for non-issuance of muster roll and in November, 2000 the muster roll was issued only for the period 1-11-2000 to 15-11-2000 and the petitioner worked for 14 days and the services of the petitioner were dis-engaged w.e.f. 16-11-2000 and not on account of the reason that the petitioner abandoned the job himself, but on account of the reason that the work was closed down due to the snow fall, as has been admitted by Shri Rakesh Rana, RWI, in his cross-examination.

17. Taking into consideration the position, as has been referred to herein above, the petitioner as per the calculations of the respondents in the last 12 preceding months i.e. December, 99 to November, 2000 has worked for 210-1/2 days and if the period for which the petitioner was not allowed to work not on account of his fault, but on account of the unfair labour practice adopted by the respondents by issuing the muster roll for 20 days in a month instead of 30 days or so for not issuing the muster rolls in the months of January, 2000 due to snow fall etc. for no fault of the petitioner, the total number of days which comes to 92 has to be accounted towards his continuous service of the petitioner as per sub-section (1) of section 25-B of the Act, continuous service means:

"25-B. Definition of continuous services.—For the purpose of this chapter:—

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service, which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman".

18. The words "cessation of work which is not due to any fault on the part of the workman" used in sub-section (1) of section 25-B of the Act, has the clear meaning that the period of cessation of work has to be counted towards the continuous service of the workman. It has been held by the Hon'ble Bombay High Court in case titled "Kukadi Irrigation Project V. Waman, 1994 LLR 381 (Bom.)" that:—

"That the period of cessation of work not due to any fault on the part of the employee, always gets calculated as a period of continuous service".

19. The petitioner has thus completed 302-1/2 working days during the last 12 preceding months i.e. from December, 1999 to November, 2000 (i.e. 210-1/2 working days and 92 days on account of non-issuance of muster rolls by the respondents for different periods in different months as has been discussed herein above).

20. The requirement of statute of 240 working days thus, cannot be disputed. No doubt that it is for the workman concerned to prove that he has in fact completed 240 days in the preceding 12 months period which in the present case has been established beyond any reasonable doubt. One it is proved that the petitioner being a workman has completed 240 working days during the period of 12 calendar months preceding the date with reference to which the calculation has to be made, the workman becomes entitled for the protection of section 25-F of the Act. Section 25-F of the Act lays down the conditions precedent to retrenchment of a workman, which reads as under:—

"25-F. Conditions precedent to retrenchment of workmen:—

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until:—

- (a) the workman has been given one month's notice in writing indicating the reasons

for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;

- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or part thereof in excess of six months; and

- (c) notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate government by notification in the official gazette)."

21. The conditions enumerated in section 25-F(a), (b) and (c) of the Act are precedent. The provisions of section 25-F are couched in mandatory form, and non-compliance therewith has a result of rendering the order of retrenchment void, *ab initio* or nullus (State of Rajasthan V. Miss Usha Lokwan, 1991 LLR 36) (Raj.).

22. The Hon'ble Supreme Court in case titled "Auro Engg. Pvt. Ltd. V. R. A. Godekar" 1992(1) LLJ, 693, Mr. Justice B. N. Srikrishna has explained the consequences of non-compliance of section 25-F of the Act as under:—

"It is settled law that section 25-F of the Act was introduced into the statute book by parliament as a measure of anchorage. The section is specifically intended to avert the blow of the employment which would fall upon a workman, who is suddenly deprived of his source of livelihood. Considering the constraining on the economy of the country as a whole and that of the industrial units, Parliament has limited this amelioration to what is specifically provided in clauses (a) and (b) of section 25-F, viz. payment of one month's wage in lieu of notice and retrenchment compensation as calculated in accordance with clause (b) of section 25-F, the section imposes a mandatory duty on the employer which is a condition precedent to retrenchment of workman. Consequently, contravention thereof, however, slight, vitiates the act of retrenchment itself. When a statute mandates a duty as a condition precedent for affecting retrenchment, there is no difficulty in holding that breach of the said condition invalidates the retrenchment and renders it void *ab initio*."

23. From the evidence of the petitioner and the facts admitted by Shri Rakesh Rana, in his cross-examination and the facts as are emerging from the mandays chart Ex. RWI, brought on the record by the respondents, the petitioner has been able to prove that his services were termination by the respondents in violation of the mandatory requirement of section 25-F of the Act and therefore, the dis-engagement of the petitioner is not only unfair, unjustified, but also illegal. It has been held by the Hon'ble Supreme Court in case titled "Deep Chandra Vs. State of Uttar Pradesh and Another", 2001 LLR 312, that in case a workman is dis-engaged in violation of the mandatory requirements of section 25-F of the Act, the workman is entitled for this re-instatement on the same terms and conditions in which he was working prior to his dis-engagement and consequently, the petitioner is entitled for all consequential service benefits including back wages. The Hon'ble Supreme Court has made the following observations in para 2 of the Judgements that:—

"The High Court approached the matter rather strangely as it went at a tangent to consider not only whether the casual worker's services can be put to an end to but if the award made by the Labour Court would make him permanent employee, so on and so forth. The High Court lost sight of the point in issue that is when an

ployee had put in service for more than 240 days in each year for several years whether his services can be put to an end to without following the procedure prescribed under section 25-F of the Industrial Disputes Act. If there has been violation thereof such an employee will have to be re-instated in his original service on the same terms and conditions in which he was working earlier. If this is the position of law, we fail to understand as to how the High Court would have interfered with the award made by the Labour Court. We set aside the order made by the High Court and restore the award made by the Labour Court. The appeal is allowed accordingly."

24. The petitioner has claimed all service consequential benefits including back wages for his illegal termination in violation of the mandatory provisions of section 25-F (a), (b) and (c) of the Act, by the respondents.

25. The respondents have led no evidence on the record to show that the petitioner remained in gainful employment after his dis-engagement and also failed to bring on the record any plausible reasons as to why the petitioner is not entitled for all consequential service benefits on his re-instatement including back wages. Rather the contradictory stand has been taken by the respondents i.e. First, the petitioner left the job himself after 16-11-2000 and secondly, the work was closed due to snow fall in the area i.e. f. 16-11-2000 and therefore, the petitioner was dis-engaged from 16-11-2000.

26. It appears that the services of the petitioner were intentionally dis-engaged without the petitioner being shifted to some other available work/scheme within the sub-division or the division of the respondents during the snow season. The petitioner was thus pushed to relentless litigation for no fault on his part and therefore, the petitioner is not only entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination, but also for all consequential service benefits including seniority and back wages to the extent of 50%. Accordingly, both the issues are decided in favour of the petitioner and against the respondents.

Issue No. 3

27. The respondents have led no evidence on the record to show that the claim of the petitioner for his re-instatement on account of his illegal termination is barred by limitation. No period of limitation has been prescribed under the Act for raising an industrial dispute. However, in the peculiar facts and circumstances of the case, the court should look into the other aspects of the case i.e. laches or un-explained delay caused by the petitioner in raising the industrial dispute. However, in the present case the services of the petitioner were dis-engaged w.e.f. 16-11-2000 and he raised the industrial dispute with the Labour Department. The Labour department made efforts for conciliation, but when the conciliation failed, the Labour Officer, Mandi, sent the reference with his report to the Labour Commissioner, vide letter dated 17-3-2003. The Labour Commissioner took about one year to refer the dispute for adjudication to this court vide letter dated 2-1-2004. There appears to be no delay and laches on the part of the petitioner in this case and therefore, the plea taken by the respondents that the petition is barred by limitation is un-sustainable. Otherwise also the Hon'ble Supreme Court in case titled "Srip Kumar Pandit Vs. U. P. State Electricity Board", 2001 L L R 900, has held as under —

"Limitation—Principle of Limitation applicable for making reference—Service of workman terminated on 17-7-1975 workman challenged his termination. Government made reference on 29-3-1993 under section 2 K. of the U. P. Industrial Disputes Act. Section 2 K. is almost in tune with section 10 of the Industrial Disputes Act. Management filed petition—High Court quashed

the reference order passed by the Government solely on the such delay, appeal accepted. The High Court should not have quashed the reference. The words "At Any Time" as used in the section are *prima facie* indicator to a period without boundary".

28. In view of the position of law, which is fully applicable in the facts and circumstances of the present case the stand taken by the respondents with regard to the limitation is un-sustainable. Accordingly, this issue is also decided in favour of the petitioner and against the respondents.

RFI II F

29. In view of my findings on above issues, since the services of the petitioner were terminated by the respondents in violation of the mandatory requirements of section 25-F (a), (b) and (c) of the Act and therefore, the petitioner is entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination. The petitioner shall also be entitled for all consequential service benefits including seniority and back wages to the extent of 50%. The respondents are directed to re-engage the petitioner within 90 days from the date of announcement of this Award failing which the petitioner shall be entitled for full wages. The reference is answered accordingly.

30. Let a copy of this award be sent to the appropriate government for publication in the Official gazette. The file after completion be consigned to the record room.

Annot. need.
21-7-2005

GEORGE,
Presiding Judge,
Labour Court-cum-Industrial Tribunal
Dharamshala, Camp at Mandi, Himachal Pradesh.

Certified copy before Shri George, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala,
Camp at Mandi, Himachal Pradesh

Reference No. 6/2004 (RBT No. 341/04).
Presented on 3-1-2004.
Decided on 21-7-2005.

Lachman Dass son of Shri Brestu Ram, r/o Village
Kathyana, P. O. Silli, Bagi, Chanogi, Tehsil Thunag,
District Mandi, Himachal Pradesh .. petitioner.

Vs.

1. Executive Engineer, I&PH Division, Sundernagar,
Mandi, Himachal Pradesh.
2. Asstt. Engineer, I&PH Sub-Division Thunag,
Division Sundernagar.
3. State of Himachal Pradesh through its Secretary,
I&PH Shimla, Himachal Pradesh .. respondents.

Reference Under section 10 of the Industrial Disputes
Act, 1947.

For the petitioner .. Shri K. S. Gulati, Adv.
For the respondents .. Shri Rakesh Rana, AE/AR.

AWARD

The following reference has been received by this court
from the appropriate Government for adjudication :

"Whether the termination of services of Shri
Lachman son of Brestu Ram, daily wages
Beldar by the Executive Engineer, I&PH Division,
Sundernagar, District Mandi, Himachal Pradesh
w.e.f. 16-11-2000 without complying the
provisions of the Industrial Disputes Act, 1947,
is proper and justified? If not what relief of

service benefits and amount of compensation the above aggrieved workman is entitled for?"

Relief

The petition is allowed as per operative part of the Award.

REASONS FOR FINDINGS

Issue No. 1 and 2 :

7. Both the issues are inter-connected and hence taken together for discussions and findings.

2. The petitioner filed statement of claim. Brief facts of the claim of the petitioner is that he was engaged as daily waged worker by the respondent No. 1 on muster roll basis from 1-8-1998 and he worked as such till 16-11-2000 with some artificial breaks. The petitioner further alleged that his services were terminated by the respondent in an illegal manner without giving any notice. The respondents have engaged may junior persons to the petitioner by giving contract to the contractors with a view to defeat the right of the petitioner. The petitioner approached the respondents to re-engage him but to no avail. However the respondents orally assured to re-engage him. The services of the petitioner were terminated despite the fact that the work and funds were available with the respondents. The petitioner alleged that action of the respondents is unconstitutional, malafide discriminatory unjustified and against the mandatory provisions of Industrial Disputes Act, 1947. The petitioner has prayed for his reinstatement with continuity of service by adding the period of artificial breaks including all consequential service benefits.

8. The petitioner Lachhman Das tendered in evidence his affidavit Ex. PW1/A as PW 1 wherein he has stated that he was engaged as daily wage beldar by the respondent w.e.f. 1-8-1998 and his services were terminated with an illegal manner w.e.f. 16-11-2000. He was always ready to work with the respondent but the respondents used to give him illegal breaks without any fault on his part and without complying the procedure in order to deprive him from attaining the status of a permanent workman, and despite the fact that the respondent had sufficient work, the petitioner was not allowed to work from 16-11-2000 onwards and the work against which he was working was allotted to a contractor in order to defeat his legal right. He never abandoned the work at his own, but the respondents had not allowed him to work for a complete month. The respondents used to cause interruption in his service and used to appoint new workmen every year after his engagement and disengagement without maintaining any seniority list. The respondents also violated the principle of last come first go and his services were terminated time and again by way of victimisation, not in a good faith, but in colourable exercise of employer's right for patently false reasons of un-true and trumped up allegations of absence from duty.

3. The claim of the petitioner is resisted and contested by the respondents. The respondents filed joint reply, wherein they raised preliminary objections in nutshell qua maintainability and the petition is barred by limitation. On merits, the respondents alleged that the petitioner had worked intermittently as and when circumstances were convenient to him and he was not a continuous worker, therefore, the provisions of Industrial Disputes Act, 1947 are not applicable. However, the petitioner has been dis-engaged on the principle of first come, last go. The respondents never interrupted the services of the petitioner but the petitioner himself worked intermittently at his own sweet will as and when circumstances convenient to him. The petitioner engaged as a casual labourer/worker against various construction schemes, depending upon availability of work and funds. The petitioner was not in continuous service, hence no notice under section 25-F was required to be issued to the petitioner. As regard awarding of the work to the contractors is concerned, it is submitted that the respondents can carry out the work through contract under the law. The respondents denied that the respondents have violated the principle of last come, first go. The respondents submitted that the petitioner has not complete 240 continuous working days in preceding 12 months, hence the petitioner is not entitled for any seniority. The respondents have prayed for dismissal of the petition with costs.

9. The respondents while cross-examining the petitioner Lachhman Das has not contradicted the material facts the petitioner has deposed in his Affidavit Ex. PW1/A in affirmative. The petitioner was not to the suggestion that he had not completed 240 days. The petitioner admitted this fact but he explained that the department has given him breaks despite the fact that he made requests for not giving false breaks in his service. He denied that he used to remain absent at his own and that no junior to him was retained in service by the respondents. He stated that one Shri Tek Singh s/o Shri Maya, who is working with the respondents was junior to him.

4. The petitioner filed rejoinder, where the petitioner re-affirmed and reiterated the averments made in the petition and denied the assertions of the respondents made in the reply.

5. On the respective assertions of the parties, the following issues were framed on 24-11-2004:—

1. Whether the termination of service of the petitioner is in violation of the mandatory provisions of Industrial Disputes Act, 1947, if so its effect? OPP.
2. If issue No. 1 is proved in affirmative, to what relief benefits alongwith amount of compensation the petitioner is entitled to? OPP.
3. Whether the petition is barred by limitation? OPP.
4. Relief.
6. For the reasons to be recorded hereinafter my issuewise findings are as under:—

Issue No. 1 Yes

Issue No. 2 As per operative part of the Award.

Issue No. 3 No

10. The respondents in order to controvert the evidence of the petitioner examined one Shri Rakesh Rana, Assistant Engineer, IPH Sub-Division, Thunag, District Mandi, as RW1, who has stated that the petitioner was engaged as a daily wage beldar w.e.f. 1-8-1998 and he worked upto 16-11-2000. Thereafter, the petitioner left the work at his own. The petitioner could not complete 240 days in any of the year. The petitioner used to come on work as per his own will and he did not make any representation till date (i.e. 26-4-2005) for his dis-engagement w.e.f. 16-11-2000. He has brought on the record the mandays chart Ex. RW1 showing the working days of the petitioner as daily wage.

11. Shri Rakesh Rana, RW1, admitted in his cross-examination that the department used to prepare the seniority list of the daily wagers for their regularisation. He also admitted that the daily wagers re-engaged as and when the funds are available and the moment the funds are not available they are disengaged. The petitioner worked at different schemes and lastly he was working at Khildhar PWSS. In the month of November due to snowfall the work was closed down and the petitioner was disengaged and later on this work was allotted to a contractor. He had shown his ignorance as how many persons were employed by the respondent department after the disengagement of the petitioner. He admitted that no seniority list has been prepared by the department for the implementation of section 25-G and 25-H of the Act. He admitted that some of the persons junior to the petitioner are still working and the department is running 16'17 development schemes at present and the department is receiving the funds

for these schemes. He also admitted that after the petitioner was dis-engaged, he was not given any notice to rejoin and further admitted that after the dis-engagement of the petitioner *w. e. f.* 16-11-2000 the department had not issued any muster roll and for this reason the petitioner was not re-engaged. He admitted that the petitioner was dis-engaged *w. e. f.* 16-11-2000 and the petitioner made requests and showed his willingness for his re-engagement. He denied that the petitioner was given artificial breaks so that the petitioner may not complete 240 working days and the department acted in mala fide manner so that the petitioner be not allowed to complete his 240 working days.

12. The main contention of the petitioner is that he was engaged *w. e. f.* 1-8-1998 and he continued to work with the respondents as daily wage till 16-11-2000 when he was dis-engaged in an illegal manner. The respondents by giving illegal breaks did not allow the petitioner to complete 240 working days with a mala fide intention and juniors of the petitioner were engaged, whereas the petitioner was not re-engaged despite his repeated requests.

13. The respondents have raised contradictory pleas. Firstly, that the petitioner used to remain absent and he could not complete 240 days in any year. He used to remain absent and he used to work according to his own will the petitioner on 16-11-2000 left the job at his own. The second plea of the respondents is that the petitioner was working at a scheme known as Khildhar P WSS and the work of this scheme had to be close down due to snow fall *w. e. f.* 16-11-2000.

14. Shri Rakesh Rana, RW1, has taken the first stand in his examination in chief and has taken all together different the second in his cross-examination. It appears that the respondents are not actually aware, as to whether the services of the petitioner were dis-engaged or the petitioner voluntarily abandoned the job himself.

15. Shri Rakesh Rana, RW1, has stated that the petitioner could not complete 240 days in any year of his working and he had brought on the record the mandays chart Ex. RW1 of the petitioner.

16. The petitioner has not disputed the correctness of the mandays chart Ex. RW1, however, he has pleaded that the respondents used to give him fictional breaks with the clear intention not to allow the petitioner to complete his 240 working days. The claim of the petitioner is fully supported from the mandays chart Ex. RW1 brought on the record by the respondents.

17. It appears from the perusal of the mandays chart RW1 that the petitioner during the period of 12 calendar months preceding the date with reference to which the calculation is to be made had actually worked for 304 days. The respondents with an intention not to allow the petitioner to complete his 240 working days used to issue the muster roll for shorter periods instead of issuing the muster roll for the entire months. It appears from the perusal of the mandays chart Ex. RW1 *i. e.* December 1999 till November 15, 2000, the respondents gave the petitioner illegal breaks for a period of 96 days. The mandays chart Ex. RW1 reveals that the muster roll was issued for a month of December, 1999 for the period 5-12-1999 to 25-12-1999 and the petitioner worked for 21 days, whereas the muster roll was not issued for the remaining 10 days. Similarly, in January, 2000 muster roll was not issued and therefore, the petitioner was deprived of 31 working days. In June, 2000 the muster roll was issued for the period 5-6-2000 to 25-6-2000 and the petitioner worked for 21 days and for the remaining 9 days no muster roll was issued and the petitioner was deprived from continuing the work for the remaining period of 9 days in June, 2000. Similarly, the muster roll was issued for the month of July, 2000 *w. e. f.* 9-7-2000 to 25-7-2000. The petitioner worked for the sixteen days and he was deprived of working of remaining 14 days. In the month of August 2000 the muster roll was issued *w. e. f.* 1-8-2000 to 20-8-2000 and the petitioner worked for 18 days and the muster roll was

not issued for the remaining 11 days and therefore, the petitioner was deprived of working of the remaining 11 days. Similar is the position in the month of September, 2000. In September, 2000 also the muster roll was not issued for 21-9-2000 to 30-9-2000 and thus, the petitioner was deprived of working for 10 days. Similarly, in October, 2000 the petitioner was deprived of working for 11 days for non-issuance of muster roll and in November, 2000 the muster roll was issued only for the period 1-11-2000 to 15-11-2000 and the petitioner worked for 14 days and the services of the petitioner were dis-engaged *w. e. f.* 16-11-2000 and not on account of the reason that the petitioner abandoned the job himself, but on account of the reason that the work was closed down due to the snow fall, as has been admitted by Shri Rakesh Rana, RW1, in his cross-examination.

18. Taking into consideration the position as has been referred to herein above, the petitioner as per the calculations of the respondents in the last 12 preceding months *i. e.* December 1999 to November, 2000 has worked for 208 days and if, the period for which the petitioner was not allotted to work not on account of his fault, but on account of the unfair labour practice adopted by the respondents by issuing the muster rolls for 20 days in a months instead of 30 days or so for not issuing the muster rolls in the month of January, 2000 due to snow fall etc. for no fault of the petitioner, the total number of days which comes to 96 has to be accounted towards the continuous service of the petitioner as per sub-section (1) of section 25-B of the Act, continuous service means:—

“25-B : Definition of continuous service For—the purpose of this chapter:—

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;”

19. The words “Cessation of work which is not due to any fault on the part of the workman” used in sub-section (1) of section 25-B of the Act, has the clear meaning that the period of cessation of work has to be counted towards the continuous service of the workman. It has been held by the Hon'ble Bombay High Court in case titled “Kukadi Irrigation Project V. Waman, 1994 LLR 381 (Bom.)” that :—

“That the period of cessation of work not due to any fault on the part of the employee, always gets calculated as a period of continuous service”.

20. The petitioner has thus completed 304 working days during the last 12 preceding months *i. e. f.* from December, 1999 to November, 2000 (*i. e.* 208 working days and 96 days on account of non-issuance of muster rolls by the respondents for different periods in different months as has been discussed herein above).

21. The requirement of statute of 240 working days thus, cannot be disputed. No doubt that it is for the workman concerned to prove that he has in fact completed 240 days in the preceding 12 months period which in the present case has been established beyond any reasonable doubt, once it is proved that the petitioner being a workman has completed 240 working days during the period of 12 calendar months preceding the date with reference to which the calculation has to be made, the workman becomes entitled for the protection of section 25-F of the Act. Section 25-F of the Act lays down the conditions precedent to retrenchment of a workman, which reads as under:—

“25-F : Conditions precedent to retrenchment of workmen:—

No workman employed in any industry who has been in continuous service for not less than one

year under an employer shall be retrenched by that employer until:—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or part thereof in excess of six-month; and
- (c) notice in the prescribed manner is served on the appropriate government (for such authority as may be specified by the appropriate government by notification in the official gazette)".

22. The conditions enumerated in section 25-F (a), (b) and (c) of the Act are precedent. The provisions of section 25-F are couched in mandatory form and non-compliance therewith has a result of rendering the order of retrenchment *void, ab initio or nonest* (State of Rajasthan *Vs.* Miss Usha Lokwani, 1994 LLR 369 (Raj)).

23. The Hon'ble Supreme Court in case titled "Auro Engg. Pvt. Ltd. *Vs.* R. A. Gadekar", 1992 (1) LLJ 693, Mr. Justice B.N. Srikrishna, has explained the consequences of non-compliance of section 25-F of the Act as under:—

"It is settled law that section 25-F of the Act was introduced into the statute book by Parliament as a measure of amelioration. The Section is specifically intended to soften the blow of unemployment which would fall upon a workman, who is suddenly deprived of his source of livelihood. Considering the constraining and the economy of the country as a whole and that of the industrial units, Parliament has limited this amelioration to what is specifically provided in clauses (a) and (b) of Section 25-F, viz. payment of one month's wage in lieu of notice and retrenchment compensation calculated in accordance with clause (b) of section 25-F, the section imposes a mandatory duty on the employer which is a condition precedent to retrenchment of workmen. Consequently, contravention thereof, however, slight vitiates the act of retrenchment itself. When a statute mandates a duty as a condition precedent for affecting retrenchment, there is no difficulty in holding that breach of the said condition invalidates the retrenchment and renders it *void, ab initio*".

24. From the evidence of the petitioner and the facts admitted by Shri Rakesh Rana, RW1, in his cross-examination and the facts as are emerging from the mandays chart Ex. RW1 brought on the record by the respondents, the petitioner has been able to prove that his services were terminated by the respondents in violation of the mandatory requirements of section 25-F of the Act and therefore, the dis-engagement of the petitioner is not only unfair, unjustified, but also illegal. It has been held by the Hon'ble Supreme Court in case titled "Deep Chandra *Vs.* State of Uttar Pradesh and Another", 2001 LLR 312, that in case a workman is dis-engaged in violation of the mandatory requirements of section 25-F of the Act, the workman is entitled for his re-instatement on the same terms and conditions in which he was working prior to his dis-engagement and consequently, the petitioner is entitled for all consequential service benefits including back wages. The Hon'ble Supreme Court has made the following observations in para 2 of the judgment that:—

"The High Court approached the matter rather strangely as it went at a tangent to consider not only whether the casual worker's services can be put to an end to but if the award made

by the Labour Court would make him permanent employee, so on and so forth. The High Court lost sight of the point in issue that is when an employee had put in service for more than 240 days in each year for several years whether his services can be put to an end to without following the procedure prescribed under section 25-F of the Industrial Disputes Act. If there has been violation thereof such an employee will have to be re-instated in his original service on the same terms and conditions in which he was working earlier. If this is the position of law, we fail to understand as to how the High Court could have interfered with the award made by the Labour Court. We set aside the order made by the High Court and restore the award made by the Labour Court. The appeal is allowed accordingly".

25. The petitioner had claimed all service consequential benefits including back wages for his illegal termination in violation of the mandatory provisions of section 25-F (a), (b) and (c) of the Act, by the respondents.

26. The respondents have led no evidence on the record to show that the petitioner remained in gainful employment after his dis-engagement and also failed to bring on the record any plausible reasons as to why the petitioner is not entitled for all consequential service benefits on his re-instatement including back wages. Rather the contradictory stand has been taken by the respondents *i.e.* First, the petitioner left the job himself after 16-11-2000 and secondly, the work was closed due to snow fall in the area *w.e.f.* 16-11-2000 and therefore the petitioner was dis-engaged from 16-11-2000.

27. It appears that the services of the petitioner were intentionally dis-engaged without the petitioner being shifted to some other available work/scheme within the sub-division or the division of the respondents during the snow session. The petitioner was thus pushed to relentless litigation for no fault on his part and therefore, the petitioner, is not only entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination, but also for all consequential service benefits including seniority and back wages to the extent of 50%. Accordingly, both the issues are decided in favour of the petitioner and against the respondents.

Issue No. 3 :

28. The respondents have led no evidence on the record to show that the claim of the petitioner for his re-instatement on account of his illegal termination is barred by limitation. No period of limitation has been prescribed under the Act for raising an industrial dispute. However, in the peculiar facts and circumstances of the case, the court should look into the other aspects of the case *i.e.* laches or un-explained delay caused by the petitioner in raising the industrial dispute. However, in the present case the services of the petitioner were dis-engaged *w.e.f.* 16-11-2000 and he raised the industrial dispute with the Labour department. The Labour department made efforts for conciliation, but when the conciliation failed the Labour Officer, Mandi, sent the reference with his report to the Labour Commissioner, *vide* letter dated 17-3-2003. The Labour Commissioner took at least one year to refer the dispute for adjudication to this court *vide* letter dated 2-1-2004. There appears to be no delay and laches on the part of the petitioner in this case and therefore, the plea taken by the respondents that the petition is barred by limitation is unsustainable. Otherwise also the Hon'ble Supreme Court in case titled "Sapan Kumar Pandit *Vs.* U. P. State Electricity Board", 2001 LLR 900 has held as under:—

"Limitation - Principle of Limitation applicable for making reference—service of workman terminated on 17-7-1975 workman challenged his termination. Government made reference on 29-3-1993 under section 2K of the U.P. Industrial Disputes Act. Section 2 K is almost in tune with section 10 of the Industrial Disputes Act, Management filed petition—High Court

quashed the reference. The words "At Any Time" as used in the section are *prima facie* indicator to a period without boundary."

29. In view of the position of law, which is fully applicable in the facts and circumstances of the present case, the stand taken by the respondents with regard to the limitation is unsustainable. Accordingly, this issue is also decided in favour of the petitioner and against the respondents.

RELIEF

30. In view of my findings on above issues, since the services of the petitioner were terminated by the respondents in violation of the mandatory requirements of section 25-F (a), (b) and (c) of the Act and therefore, the petitioner is entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination. The petitioner shall also be entitled for all consequential service benefits including seniority and back wages to the extent of 50%. The respondents are directed to re-engage the petitioner within 90 days from the date of announcement of this award failing which the petitioner shall be entitled for full wages. The reference is answered accordingly.

31. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced,

21-7-2005.

Seal.

GEORGE,
Presiding Judge.

Labour Court-cum-Industrial Tribunal,
Dharamshala, Himachal Pradesh.

In the Court of Shri George, Presiding Judge, Labour
Court-cum-Industrial Tribunal Dharamshala,
Himachal Pradesh Camp at Mandi

Reference No. .. 7/2004 (RBT No. 342/04).

Instituted on .. 3-1-2004

Decided on .. 21-7-2005

Shri Keshav Ram s/o Shri Rattan Singh, Village Leh,
P. O. and Tehsil Thunag, District Mandi, Himachal
Pradesh .. Petitioner.

Vs.

1. Executive Engineer, I&PH Sundernagar
Division, Mandi, Himachal Pradesh.

2. Asstt. Engineer, I&PH Sub-Division, Thunag,
Division Sundernagar, District Mandi,
Himachal Pradesh.

3. State of Himachal Pradesh through its Secretary
IPH, Shimla, Himachal Pradesh

.. Respondents.

Reference under Section 10 of the Industrial
Disputes Act, 1947.

For the petitioner .. Shri K. S. Guleria, Adv.

For the respondents .. Shri Rakesh Rana, AE/AR.

AWARD

1. The following reference has been received from the appropriate government for adjudication:—

"Whether the termination of services of Shri Keshav Ram s/o Shri Rattan Singh Daily wages Beldar by the Executive Engineer, IPH Division Sundernagar, District Mandi, Himachal Pradesh w. e. f. 16-11-2000 without complying the provisions of the Industrial Disputes Act, 1947 is proper & justified? If not, what relief of service benefit, and amount of compensation the above aggrieved workman is entitled to?"

2. The petitioner filed statement of claim. Brief facts of the claim of the petitioner are that he was engaged as daily waged worker by the respondent No. 1 on muster roll basis from 21-5-1988 and he worked as such till 15-11-2000 with some artificial breaks. He further alleged that his services were terminated by the respondents in an illegal and arbitrary manner without giving any notice. The respondents have engaged many junior persons to the petitioner by giving contract to the contractors with a view to defeat the right of the petitioner. The petitioner approached the respondent to re-engage him but to no avail. However, the respondents orally assured to re-engage him. The services of the petitioner were terminated despite the fact that the work and funds were available with the respondents. The petitioner alleged that action of the respondents is un-constitutional, malafide, discriminatory, un-justified and against the mandatory provisions of Industrial Disputes Act, 1947 (hereinafter referred in short as the Act). The petitioner has prayed for his re-instatement with continuity of service by adding the period of artificial breaks given by the respondents, including all consequential benefits.

3. The claim of the petitioner is resisted and contested by the respondents. The respondents filed joint reply, wherein they raised preliminary objections in nutshell, qua maintainability and the petition is barred by limitation. On merits, the respondents alleged that the petitioner had worked intermittently as and when circumstances were convenient to him and he was not a continuous worker, therefore, the provisions of Industrial disputes Act, 1947 are not applicable. However, the petitioner has been dis-engaged on the principle of first come, last go. The respondents never interrupted the services of the petitioner, but the petitioner himself worked intermittently at his own sweet will as and when circumstances convenient to him. The petitioner engaged as a casual worker against various construction schemes, depending upon availability of work and funds. The petitioner was not in continuous service, hence no notice under section 25-F was required to be issued to the petitioner. As regards awarding of the work to the contractors is concerned, it is submitted that the respondents can carry out the work through contract under this law. The respondents denied that they have violated the principle of last come, first go. The respondents submitted that the petitioner has not completed 240 continuous working days in preceding 12 months, hence the petitioner is not entitled for any seniority. The respondents have prayed for dismissal of the petition with costs.

4. The petitioner filed rejoinder wherein the petitioner re-affirmed and re-iterated the averments made in the petition and denied the assertions of the respondents made in the reply.

5. On the respective assertions of the parties, the following issues were framed on 24-11-2004:—

1. Whether the termination of the services of the petitioner is in violation of the mandatory provisions of Industrial Disputes Act, 1947? If so, its effects? OPP.

2. If issue No. 1 is proved in affirmative, to what relief, benefits alongwith amount of compensation the petitioner is entitled to? OPP.

3. Whether the petition is barred by limitation? OPR

4. Relief.

6. For the reasons to be recorded hereinafter my issue-wise findings are as under:—

Issue No. 1 Yes.

Issue No. 2 As per operative part of Award.

Issue No. 3 No.

Relief The petition is allowed as per operative part of Award.

REASONS FOR FINDINGS

Issue No. 1 and 2 :

7. Both the issues are inter-connected and hence taken together for discussions and findings.

8. The petitioner Keshav Ram tendered in evidence his affidavit Ex. PW1/A as PW1 wherein he has stated that he was engaged as daily wage beldar by the respondents w. e. f. 21-5-1988 and his services were terminated with an illegal manner w. e. f. 16-11-2000. He was always ready to work with the respondents, but the respondents used to give him illegal breaks without any fault on his part and without complying the procedure in order to deprive him from attaining the status of a permanent workman, and despite the fact that the respondents had sufficient work, the petitioner was not allowed to work from 16-11-2000 onwards and the work against which he was working was allotted to a contractor in order to defeat his legal rights. He never abandoned the work at his own, but the respondents had not allowed him to work for a complete month. The respondents used to cause interruption in his service and used to appoint new workmen every year after his engagement and dis-engagement without maintaining any seniority list. The respondents also violated the principle of last come first go and his services were terminated time and again by way of victimisation, not in a good faith, but in colourable exercise of employee's right for patently false reason: of un-true and trumped up allegations of absence from duty.

9. The respondents while cross-examining the petitioner Keshav Ram has not contradicted the material facts the petitioner has deposed in his Affidavit Ex. PW1/A in affirmative. The petitioner was put to suggestion that he had not completed 240 days. The petitioner admitted this fact, but he explained that the department has given him breaks despite the fact that he made requests for not giving false breaks in his service. He denied that he used to remain absent at his own and that no junior to him was retained in service by the respondents. He stated that one Shri Tuk Singh s/o Shri Maya, who is working with the respondents was junior to him.

10. The respondents in order to controvert the evidence of the petitioner examined one Shri Rakesh Rana, Asstt. Engineer, IPH Sub-Division, Thunag, District Mandi, as RW1 who has stated that the petitioner was engaged as a daily wage beldar w. e. f. 21-5-1988 and he worked upto 16-11-2000. Thereafter, the petitioner left the work at his own. The petitioner could not complete 240 days in any of the year. The petitioner used to come on work as per his own will and he did not make any representation till date (i. e. 26-4-2005) for his dis-engagement w. e. f. 16-11-2000. He has brought on the record the mandays chart Ex. RW1 showing the working days of the petitioner as daily wage.

11. Shri Rakesh Rana, RW1, admitted in his cross-examination that the department used to prepare the seniority list of the daily wagers for their regularisation. He also admitted that the daily wagers re-engaged as and when the funds are available and the moment the funds are not available they are dis-engaged. The petitioner worked at different schemes and lastly he was working at Khildhar P.W.S.S. In the month of November due to show fall the work was closed down and the petitioner was dis-engaged and later on this work was allotted to a contractor. He had shown his ignorance as how many persons were employed by the respondents department after the dis-engagement of the petitioner. He admitted that no seniority list has been prepared by the department for the implementation of section 25-G and 25-H of the Act. He admitted that some of the persons junior to the petitioner are still working and the department is running 16/17 development schemes at present and the department is receiving the funds for those schemes. He also admitted that after the petitioner was dis-engaged, he was not given any notice to rejoin and further admitted that after the dis-engagement of the petitioner w. e. f. 16-11-2000 the department had not issued any muster roll and for this reason the petitioner

was not re-engaged. He admitted that the petitioner was dis-engaged w. e. f. 16-11-2000 and the petitioner made request and showed his willingness for his re-engagement. He denied that the petitioner was given artificial breaks so that the petitioner may not complete 240 working days and the department acted in mala fide manner so that the petitioner be not allowed to complete his 240 working days.

12. The main contention of the petitioner is that he was engaged w. e. f. 21-5-1988 and he continued to work with the respondents as daily wage till 16-11-2000 when he was dis-engaged in an illegal manner. The respondents by giving illegal breaks did not allow the petitioner to complete 240 working days with a mala fide intention and juniors of the petitioner were engaged, whereas the petitioner was not re-engaged despite his repeated requests.

13. The respondents have raised contradictory pleas firstly, that the petitioner used to remain absent and he could not complete 240 days in any year. He used to remain absent and he used to work according to his own will. The petitioner on 16-11-2000 left the job at his own. The second plea of the respondents is that the petitioner was working at a scheme known as Khildhar P. W. S. S. and the work of this scheme had to be close down due to snow fall w. e. f. 16-11-2000.

14. Shri Rakesh Rana, RW1, has taken the first stand in his examination in chief and has taken all together different the second stand in his cross-examination. It appears that the respondents are not actually aware, as to whether the services of the petitioner were dis-engaged or the petitioner voluntarily abandoned the job himself.

15. Shri Rakesh Rana, RW1, has stated that the petitioner could not complete 240 days in any year of his working and he had brought on the record the mandays chart Ex. RW1 of the petitioner.

16. The petitioner has not disputed the correctness of the mandays chart Ex. RW1, however, he has pleaded that the respondents used to give him fictional breaks with the clear intention not to allow the petitioner to complete his 240 working days. This claim of the petitioner is fully supported from the mandays chart Ex. RW1 brought on the record by the respondents.

17. It appears from the perusal of the mandays chart Ex. RW1 that the petitioner during the period of 12 calendar months preceding the date with reference to which the calculation is to be made had actually worked for 312 days. The respondents with an intention not to allow the petitioner to complete his 240 working days used to issue the muster roll for shorter periods instead of issuing the muster roll for the entire months. It appears from the perusal of the mandays chart Ex. RW1 i. e. December, 1999 till November 15, 2000, the respondents gave the petitioner illegal breaks for a period of 92 days. The mandays chart Ex. RW1 reveals that the muster roll was issued for the month of December, 1999 for the period 5-12-1999 to 25-12-99 and the petitioner worked for 21 days, whereas the muster roll was not issued for the remaining 10 days. Similarly, in January, 2000, muster roll was not issued and therefore the petitioner was deprived of 31 working days. In June, 2000 the muster roll was issued for the period 5-6-2000 to 25-6-2000 and the petitioner worked for 21 days and for the remaining 9 days no muster roll was issued and the petitioner was deprived from continuing the work for the remaining period of 9 days in June, 2000. Similarly, the muster roll was issued for the month of July, 2000 w. e. f. 5-7-2000 to 25-7-2000. The petitioner worked for the entire period of 21 days and he was deprived of working of remaining 10 days. In the month of August, 2000 the muster roll was issued w. e. f. 1-8-2000 to 20-8-2000 and the petitioner worked for 18 days and the muster roll was not issued for the remaining 11 days and therefore, the petitioner was deprived of working of the remaining 11 days. Similar is the position in the month of September, 2000. In September, 2000 also the muster roll was not issued for 21-9-2000 to 30-9-2000 and thus, the petitioner was deprived of working for 10

days. Similarly, in October, 2000 the petitioner was deprived of working for 11 days for non-issuance of muster roll and in November, 2000 the muster roll was issued only for the period 1-11-2000 to 15-11-2000 and the petitioner worked for 14 days and the services of the petitioner were dis-engaged i.e. 16-11-2000 and not on account of the reason that the petitioner abandoned the job himself, but on account of the reason that the work was closed down due to the snow fall, as has been admitted by Shri Rakesh Rana RWI, in his cross-examination.

18. Taking into consideration the position as has been referred to herein above, the petitioner as per the calculations of the respondents in the last 12 preceding months i.e. December, 1999 to November, 2000 has worked for 220 days and if, the period for which the petitioner was not allowed to work on account of his fault, but on account of the unfair labour practice adopted by the respondents by issuing the muster rolls for 20 days in a month instead of 30 days or so or for not issuing the muster rolls in the month of January, 2000 due to snow fall etc. for no fault of the petitioner, the total number of days which comes to 92 has to be accounted towards the continuous service of the petitioner as per sub-section (1) of section 25-B of the Act, continuous service means: -

"25-B : Definition of continuous service For the purpose of this chapter: -

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman".

19. The words "Cessation of work which is not due to any fault on the part of the workman" used in sub-section (1) of section 25-B of the Act, has the clear meaning that the period of cessation of work has to be counted towards the continuous service of the workman. It has been held by the Hon'ble Bombay High Court in case titled "Kukadi Irrigation Project V. Waman, 1994 L.L.R. 381 (Bom.)" that: -

"That the period of cessation of work not due to any fault on the part of the employee, always gets calculated as a period of continuous service".

20. The petitioner has thus completed 312 working days during the last 12 preceding months i.e. from December, 1999 to November, 2000 (i.e. 220 working days and 92 days on account of non-issuance of muster rolls by the respondents for different periods in different months as has been discussed herein above).

21. The requirement of statute of 240 working days thus, cannot be disputed. No doubt that it is for the workman concerned to prove that he has in fact completed 240 days in the preceding 12 months period which in the present case has been established beyond any reasonable doubt. Once it is proved that the petitioner being a workman has completed 240 working days during the period of 12 calendar months preceding the date with reference to which the calculation has to be made, the workman becomes entitled for the protection of Section 25-F of the Act. Section 25-F of the Act lays down the conditions precedent to retrenchment of a workman, which reads as under:-

"25-F : Conditions precedent to retrenchment of workman:-

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until:-

(a) the workman has been given one month's notice in writing the reasons for retrenchment and the period of notice has expired,

or the workman has been paid in lieu of such notice, wages for the period of the notice;

(b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days average pay (for every completed year of continuous service) or part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate government by notification in the official gazette)".

22. The conditions enumerated in Section 25-F (a), (b) and (c) of the Act are precedent. The provisions of Section 25-F are couched in mandatory form and non-compliance therewith has a result of rendering the order of retrenchment void, *ab initio* or *non est* (State of Rajasthan Vs. Miss Usha Lokwani, 1994 I.L.R. 369 (Raj.)).

23. The Hon'ble Supreme Court in case titled "Auro Engg. Pvt. Ltd. V. R. A. Gadekar", 1992 (1) L.J. 693, Mr. Justice B. N. Srikrishna, has explained the consequences of non-compliance of section 25-F of the Act as under:

"It is settled law that Section 25-F of the Act was introduced into the statute book by Parliament as a measure of amelioration. The section specifically intended to soften the blow of unemployment which would fall upon a workman, who is suddenly deprived of his source of livelihood. Considering the constraining and the economy of the country as a whole and that of the industrial units, Parliament has limited this amelioration to what is specifically provided in clauses (a) and (b) of section 25-F, viz. payment of one month's wage in lieu of notice and retrenchment compensation calculated in accordance with clause (b) of Section 25-F, the section imposes a mandatory duty on the employer which is a condition precedent to retrenchment of workmen. Consequently, contravention thereof, however, slight vitiates the act of retrenchment itself. When a statute mandates a duty as a condition precedent for affecting retrenchment, there is no difficulty in holding that breach of the said condition invalidates the retrenchment and renders it void, *ab initio*".

24. From the evidence of the petitioner and the facts admitted by Shri Rakesh Rana, RWI, in his cross-examination and the facts as are emerging from the mandays chart Ex. RWI brought on the record by the respondents, the petitioner has been able to prove that his services were terminated by the respondents in violation of the mandatory requirements of section 25-F of the Act and therefore, the dis-engagement of the petitioner is not only unfair, unjustified, but also illegal. It has been held by the Hon'ble Supreme Court in case titled "Deep Chandra Vs. State of Uttar Pradesh and Another", 2001 L.L.R. 312, that in case a workman is dis-engaged in violation of the mandatory requirements of Section 25-F of the Act, the workman is entitled for his re-instatement on the same terms and conditions in which he was working prior to his dis-engagement and consequently, the petitioner is entitled for all consequential service benefits including back wages. The Hon'ble Supreme Court has made the following observations in para 2 of the judgment that:-

"The High Court approached the matter rather strangely as it went at a tangent to consider not only whether the casual worker's services can be put to an end to but if the award made by the Labour Court would make him permanent employee, so on and so forth. The High Court lost sight of the point in issue that is when an employee had put in service for more than

240 days in each year for several years whether his services can be put to an end to without following the procedure prescribed under section 25-F of the Industrial Disputes Act. If there has been violation thereof such an employee will have to be re-instated in his original service on the same terms and conditions in which he was working earlier. If this is the position of law, we fail to understand as to how the High Court could have interfered with the award made by the Labour Court. We set aside the order made by the High Court and restore the award made by the Labour Court. The appeal is allowed accordingly."

25. The petitioner had claimed all service consequential benefits including back wages for his illegal termination in violation of the mandatory provisions of section 25-F (a), (b) and (c) of the Act, by the respondents.

26. The respondents have led no evidence on the record to show that the petitioner remained in lawful employment after his dis-engagement and also failed to bring on record any plausible reasons as to why the petitioner is not entitled for all consequential service benefits on his reinstatement including back wages. Rather the contradictory stand has been taken by the respondents i.e. First, the petitioner left the job himself after 16-11-2000 and secondly, the work was closed due to snow fall in the area w.e.f. 16-11-2000 and therefore, the petitioner was dis-engaged from 16-11-2000.

27. It appears that the services of the petitioner were intentionally dis-engaged without the petitioner being shifted to some other available work/scheme within the sub-division or the division of the respondents during the snow season. The petitioner was thus pushed to relentless litigation for no fault on his part and therefore, the petitioner is not only entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination, but also for all consequential service benefits including seniority and back wages to the extent of 50%. Accordingly, both the issues are decided in favour of the petitioner and against the respondents.

Issue No. 3.

28. The respondents have led no evidence on the record to show that the claim of the petitioner for his re-instatement on account of his illegal termination is barred by limitation. No period of limitation has been prescribed under the Act for raising an industrial dispute. However, in the peculiar facts and circumstances of the case, the court should look into the other aspect of the case i.e. laches or un-explained delay caused by the petitioner in raising the industrial dispute. However, in the present case the services of the petitioner were dis-engaged w.e.f. 16-11-2000 and he raised the industrial dispute with the Labour Department. The Labour Department made efforts for conciliation, but when the conciliation failed, the Labour Officer, Mandi sent the reference with his report to the Labour Commissioner vide letter dated 17-3-2003. The Labour Commissioner took almost one year to refer the dispute for adjudication to this court vide letter dated 2-1-2004. There appears to be no delay and laches on the part of the petitioner in this case and therefore, the plea taken by the respondents that the petition is barred by limitation is unsustainable. Otherwise also the Hon'ble Supreme Court in case titled "Sapan Kumar Pandit Vs. U. P. State Electricity Board," 2001 LLR 900 has held as under:—

"Limitation Principle of Limitation applicable for making reference service of workman terminated on 17-7-1975 workman challenged his termination Govt. made reference on 29-3-1993 under Section 2 K of the U. P. Industrial Disputes Act. Section 2 K is almost in tune with section 10 of the Industrial Disputes Act. Management

filed Petition High Court quashed the reference order passed by the Govt. solely on the such delay, appeal accepted. The High Court should not have quashed the reference. The words "At Any time" as used in the section are *prima facie* indicator to a period without boundary."

29. In view of the position of law, which is fully applicable in the facts and circumstances of the present case, the stand taken by the respondents with regard to the limitation is unsustainable. Accordingly, this issue is also decided in favour of the petitioner and against the respondents.

RELIEF

30. In view of my findings on above issues, since the services of the petitioner were terminated by the respondents in violation of the mandatory requirements of section 25-F (a), (b) and (c) of the Act and therefore, the petitioner is entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination. The petitioner shall also be entitled for all consequential service benefits including seniority and back wages to the extent of 50%. The respondents are directed to re-engage the petitioner within 90 days from the date of announcement of this award failing which the petitioner shall be entitled for full wages. The reference is answered accordingly:

31. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced.
21-7-2005.

Seal.
H. P. Labour Court-cum-Industrial Tribunal,
Dharamshala, Camp at Mandi (H. P.)

Before Shri George, Presiding Judge, Labour Court-cum-Industrial Tribunal, Dharamshala Camp at Mandi, Himachal Pradesh

Reference No.	.. 11/2004 (RBT No. 346/04)
Instituted on	.. 3-1-2004
Decided on	.. 21-7-2005

Shri Door Singh son of Shri Jhansu Ram, r/o Village Jugatan, P.O. Chiuni, Tehsil Thunag, District Mandi, Himachal Pradesh .. Petitioner.

Vs.

1. Executive Engineer, I&PH Division Sundernagar, District Mandi.
2. Asstt. Engineer, I&PH Sub-Division, Thunag, Sundernagar.
3. State of Himachal Pradesh through its Secretary IPH Shimla, Himachal Pradesh .. Respondents.

Reference under section 10 of the Industrial Disputes Act, 1947".

For the petitioner .. Shri K. S. Guleria, Adv.
For the respondents .. Shri Rakesh Rana, AF/AR

AWARD

1. The following reference has been received from the appropriate Government for adjudication:

"Whether the termination of services of Shri Door Singh, son of Shri Jashu Ram, daily wages Beldar by the Executive Engineer, IPH Division Sundernagar, Distt. Mandi, w.e.f. 16-11-2000 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not what relief of service benefits and amount

of compensation the above aggrieved workman is entitled to ?".

Relief

The petition is allowed as per operative part of Award.

REASONS FOR FINDINGS

Issue No. 1 and 2 :

7. Both the issues are inter-connected and hence taken together for discussions and findings.

2. The petitioner filed statement of claim. Brief facts of the claim of the petitioner is that he was engaged as daily waged worker by the respondent No. 1 on muster roll basis from 5-12-1999 and he worked as such till 16-11-2000 with some artificial breaks. The petitioner further alleged that his services were terminated by the respondents in an illegal and arbitrary manner without giving any notice. The respondents have engaged many junior persons to the petitioners by giving contract to the contractors with a view to defeat the right of the petitioner. The petitioner approached the respondents to re-engage him but to no avail. However, the respondents orally assured to re-engage him. The services of the petitioner were terminated despite the fact that the work and funds were available with the respondents. The petitioner alleged that action of the respondents is unconstitutional malafide, discriminatory, un-justified and against the mandatory provisions of Industrial Disputes Act, 1947. The petitioner has prayed for his reinstatement with continuity of service by adding the period of artificial breaks including all consequential benefits.

8. The petitioner Door Singh tendered in evidence his affidavit Ex. PW1/A as PW1 wherein he has stated that he was engaged as daily wage beldar by the respondents w. e. f. 5-12-1999 and his services were terminated with an illegal manner w. e. f. 16-11-2000. He was always ready to work with the respondents, but the respondents used to give him illegal breaks without any fault on his part and without complying the procedure in order to deprive him from attaining the status of a permanent workman, and despite the fact that the respondent had sufficient work, the petitioner was not allowed to work from 16-11-2000 onwards and the work against which he was working was allotted to a contractor in order to defeat his legal rights. He never abandoned the work at his own, but the respondents had not allowed him to work for a complete month. The respondents used to cause interruption in his service and used to appoint new workmen every year after his engagement and dis-engagement without maintaining any seniority list. The respondents also violated the principle of last come first go and his services were terminated time and again by way of victimisation, not in a good faith, but in colourable exercise of employer's right for patently false reasons of untrue and trumped up allegations of absence from duty.

3. The claim of the petitioner is resisted and contested by the respondents. The respondents filed joint reply wherein they raised preliminary objections in nut shell qua maintainability and the petition is barred by limitation. On merits, the respondents alleged that the petitioner had worked intermittently as and when circumstances were convenient to him and he was not a continuous worker, therefore, the provisions of Industrial Disputes Act, 1947 are not applicable. However, the petitioner has been disengaged on the principle of last come last go. The respondents never interrupted the services of the petitioner but the petitioner himself worked intermittently at own sweet will as and when circumstances convenient to him. The petitioner engaged as a casual worker against various construction schemes, depending upon availability of work and funds. The petitioner was not in continuous service, hence no notice under section 25-F was required to be issued to the petitioner. As regard awarding of the work to the contractors is concerned it is submitted that the respondents can carry out the work through contract under the law. The respondents denied that the respondents have violated the principle of last come, first go. The respondents submitted that the petitioner has not completed 240 continuous working days in preceding 12 months, hence the petitioner is not entitled for any seniority. The respondents have prayed for dismissal of the petition with costs.

9. The respondents while cross-examining the petitioner Door Singh has not contradicted the material facts the petitioner as deposed in his Affidavit Ex. PW1/A in affirmative. The petitioner was put to the suggestion that he had not completed 240 days. The petitioner admitted this fact, but he explained that the department has given him breaks despite the fact that he made requests for not giving false breaks in his service. He denied that he used to remain absent at his own and that no junior to him was retained in service by the respondents. He stated that one Shri Tek Singh s/o Shri Maya, who is working with the respondents was junior to him.

4. The petitioner filed rejoinder wherein the petitioner reaffirmed and reiterated the averments made in the petition and denied the assertions of the respondents made in the reply.

10. The respondents in order to controvert the evidence of the petitioner examined one Shri Rakesh Rana, Assistant Engineer, IPH Sub-Division Thunag, District Mandi, as RW1, who has stated that the petitioner was engaged as a daily wages beldar w. e. f. 5-12-1999 and he worked up to 16-11-2000. Thereafter, the petitioner left the work at his own. The petitioner could not complete 240 days in any of the year. The petitioner used to come on work as per his own will and he did not make any representation till date (i. e. 26-4-2005) for his dis-engagement w. e. f. 16-11-2000. He has brought on the record the mandays chart Ex. RW 1 showing the working days of the petitioner as daily wages.

5. On the respective assertions of the parties, the following issues were framed on 24-11-2004:—

11. Shri Rakesh Rana, RW1, admitted in his examination that the department used to prepare the seniority list of the daily wages for their regularisation. He also admitted that the daily wages re-engaged as and when the funds are available and the moment the funds are not available they are dis-engaged. The petitioner worked at different schemes and lastly he was working at khuldhar P. W. S. S. In the month of November due to snow fall the work was closed down and the petitioner was dis-engaged and later on this work was allotted to a contractor. He had shown his ignorance as how many persons were employed by the respondent department after the dis-engagement of the petitioner. He admitted that no seniority list has been prepared by the for the implementation of section 25-G and 25-H of the Act. He admitted that some of the persons junior to the petitioner are still working and the department is running 16/17 development schemes at present and the department is receiving the funds for these schemes. He also admitted that after the petitioner was dis-engaged,

1. Whether the termination of the service of the petitioner is in violation of the mandatory provisions of Industrial Disputes Act, 1947 ? If so its effect ? OPP.
2. If issue No. 1 is proved in affirmative, to what relief/benefits alongwith amount of compensation the petitioner is entitled to ? OPP.
3. Whether the petition is barred by limitation ? OPR.
4. Relief. OPR.
5. For the reasons to be recorded hereinafter my issuewise findings are as under:—

Issue No. 1 .. Yes

Issue No. 2 .. As per operative part of award

Issue No. 3 .. No

he was not given any notice to rejoin and further admitted that after the dis-engagement of the petitioner *w. e. f.* 16-11-2000 the department has not issued any muster roll and for this reason the petitioner was not re-engaged. He admitted that the petitioner was dis-engaged *w. e. f.* 16-11-2000 and the petitioner made request and showed his willingness for his re-engagement. He denied that the petitioner was given artificial breaks so that the petitioner may not complete 240 working days and the department acted in mala fide manner so that the petitioner be not allowed to complete his 240 working days.

12. The main contention of the petitioner is that he was engaged *w. e. f.* 5-12-1999 and he continued to work with the respondents as daily wage till 16-11-2000 when he was dis-engaged in an illegal manner. The respondents by giving illegal breaks did not allow the petitioner to complete 240 working days with a mala fide intention and juniors of the petitioner were engaged, whereas the petitioner was not re-engaged despite his repeated requests.

13. The respondents have raised contradictory pleas. Firstly, that the petitioner used to remain absent and he could not complete 240 days in any year. He used to remain absent and he used to work according to his own will. The petitioner on 16-11-2000 left the job at his own. The second plea of the respondents is that the petitioner was working at a scheme known as Khildhar P. W. S. S. and the work of this scheme had to be close down due to snow fall *w. e. f.* 16-11-2000.

14. Shri Rakesh Rana, RW1, has taken the first stand in his examination in chief and has taken all together the different the second stand in his cross-examination. It appears that the respondents are not actually aware as to whether the services of the petitioner were dis-engaged or the petitioner voluntarily abandoned the job himself.

15. Shri Rakesh Rana, RW1, has stated that the petitioner could not complete 240 days in any year of his working and he had brought on the record the mandays chart Ex. RW1 of the petitioner.

16. The petitioner has not disputed the correctness of the mandays chart Ex. RW1, however, he has pleaded that the respondents used to give his fictional breaks with the clear intention not to allow the petitioner to complete his 240 working days. This claim of the petitioner is fully supported from the mandays chart Ex. RW1 brought on the record by the respondents.

17. It appears from the perusal of the mandays chart Ex. RW1 that the petitioner during the period of 12 calendar months preceding the date with reference to which the calculation is to be made had actually worked for 303 days. The respondents with an intention not to allow the petitioner to complete his 240 working days used to issue the muster roll for shorter periods instead of issuing the muster roll for the entire months. It appears from the perusal of the mandays chart Ex. RW1 *i. e.* December, 1999 till November 15, 2000, the respondents gave the petitioner illegal breaks for a period of 123 days. The mandays chart Ex. RW1 reveals that the muster roll was issued for the month of December, 1999 for the period 5-12-1999 to 25-12-1999 and the petitioner worked for 21 days, whereas the muster roll was not issued for the remaining 10 days. Similarly, in January, 2000 and March, 2000 muster roll was not issued and therefore, the petitioner was deprived of 62 days (31 days each of January and March 2000). In June 2000 the muster roll was issued for the period 5-6-2000 to 25-6-2000 and the petitioner worked for 21 days and for the remaining 9 days no muster roll was issued and the petitioner was deprived from continuing the work for the remaining period of 9 days in June, 2000. Similarly, the muster roll was issued for the month of July, 2000 *w. e. f.* 5-7-2000 to 25-7-2000. The petitioner worked for 17 days and he was deprived of working of remaining 10 days. In the month of August 2000 the muster roll was issued *w. e. f.* 1-8-2000 to 20-8-2000 and the petitioner worked for 18 days and

the muster roll was not issued for the remaining 11 days and therefore, the petitioner was deprived of working of the remaining 11 days. Similar is the position in the month of September, 2000. In September, 2000 also the muster roll was not issued for 21-9-2000 to 30-9-2000 and thus, the petitioner was deprived of working for 10 days. Similarly, in October, 2000 the petitioner was deprived of working for 11 days for non-issuance of muster roll and in November, 2000 the muster roll was issued only for the period 1-11-2000 to 15-11-2000 and the petitioner worked for 14 days and the services of the petitioner were dis-engaged *w. e. f.* 16-11-2000 and not on account of the reason that the petitioner abandoned the job himself, but on account of the reason that the work was closed down due to snow fall, as has been admitted by Shri Rakesh Rana, RW1, in his cross-examination.

18. Taking in to consideration the position as has been referred to hereinabove, the petitioner as per the calculations of the respondents in the last 12 preceding months *i. e.* December, 1999 to November, 2000 has worked for 180 days and if the period for which the petitioner was not allowed to work not on account of his fault, but on account of the unfair labour practice adopted by the respondents by issuing the muster rolls for 20 days in a month instead of 30 days or so or for not issuing the muster rolls in the month of January, 2000 and March, 2000, due to snow fall etc. for no fault of the petitioner, the total number of days which comes to 123 has to be accounted towards the continuous service of the petitioner as per sub-section (1) of section 25-B of the Act, continuous service means:—

“25-B. Definition of continuous service—for the purpose of this chapter:—

- (1) a workman shall be said to be in continuous service for a period if he is for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman:”

19. The words “Cessation of work which is not due to any fault on the part of the workman” used in sub-section (1) of section 25-B of the Act, has the clear meaning that the period of cessation of work has to be counted towards the continuous service of the workman. It has been held by the Hon’ble Bombay High Court in case titled “Kukadi Irrigation Project V. Waman, 1994 L. L. R. 381 (Bom.)” that:—

“That the period of cessation of work not due to any a fault on the part of the employee, always gets calculated as a period of continuous service.”

20. The petitioner has thus completed 303 working days during the last 12 preceding months *i. e.* from December, 1999 to November, 2000 (*i. e.* 180 working days and 123 days on account of non-issuance of muster rolls by the respondents for different periods in different months as has been discussed herein above).

21. The requirement of statute of 240 working days thus, cannot be disputed. No doubt that it is for the workman concerned to prove that he has in fact completed 240 days in the preceding 12 months period which in the present case has been established beyond any reasonable doubt. Once it is proved that the petitioner being a workman has completed 240 working days during the period of 12 calendar months preceding the date with reference to which the calculation has to be made, the workman becomes entitled for the protection of Section 25-F of the Act. Section 25-F of the Act lays down the conditions precedent to retrenchment of a workman, which reads as under:—

“25-F. Conditions precedent to retrenchment of workman:—

No workman employed in any industry who has been in continuous service for not less than

one year under an employer shall be retrenched by that employer until

- (a) the workman has been given month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate government by notification in the official gazette)".

22. The conditions enumerated in section 25-F (a), (b) and (c) of the Act are precedent. The provisions of section 25-F are couched in mandatory form and non-compliance therewith has a result of rendering the order of retrenchment void, *ab initio* or *non est* (State of Rajasthan Vs. Miss Usha Lokwani, 1994 1 L R 369 (Raj.)).

23. The Hon'ble Supreme Court in case titled "Auro Engg. Pvt. Ltd. E. K. A. G. dekar", 1992 (1) 1 L J 693, Mr. Justice B. N. Srikrishna, has explained the consequences of non-compliance of section 25-F of the Act as under.

"It is settled law that Section 25-F of the Act was introduced into the statute book by Parliament as a measure of amelioration. The section is specifically intended to soften the blow of unemployment which would fall upon a workman, who is suddenly deprived of his source livelihood. Considering the constraining and the economy of the country as a whole and that of the industrial units, Parliament has limited this amelioration to what is specifically provided in clauses (a) and (b) of Section 25-F, viz. payment of one month's wage in lieu of notice and retrenchment compensation calculated in accordance with clause (b) of Section 25-F, the section imposes a mandatory duty on the employer which is a condition precedent to retrenchment of workman. Consequently, contravention thereof, however, slight vitiates the act of retrenchment itself. When a statute mandates a duty as a condition precedent for affecting retrenchment, there is no difficulty in holding that breach of the said condition invalidates the retrenchment and renders it void, *ab initio*".

24. From the evidence of the petitioner and the facts admitted by Shri Rakesh Rana RW1, in his cross-examination and the facts as are emerging from the mandays chart Ex. RW1, brought on the record by the respondents, the petitioner has been able to prove that his services were terminated by the respondents in violation of the mandatory requirements of section 25-F of the Act and therefore, the dis-engagement of the petitioner is not only unfair, unjustified, but also illegal. It has been held by the Hon'ble Supreme Court in case titled "Deep Chandra Vs. State of Uttar Pradesh and Another", 2001 1 L R 312, that in case a workman is dis-engaged in violation of the mandatory requirements of section 25-F of the Act, the workman is entitled for his re-instatement on the same terms and conditions in which he was working prior to his dis-engagement and consequently, the petitioner is entitled for all consequential service benefits including back wages. The Hon'ble Supreme Court has made the following observations in para 2 of the judgment that:-

"That High Court approached the matter rather strangely as it went at a tangent to consider not only whether the casual worker's services can be put to an end to but if the award made by the Labour Court would make him permanent emp-

loyee, so on and so forth. The High Court lost sight of the point in issue that is when an employee had put in service for more than 240 days in each year for several years whether his services can be put to an end to without following the procedure prescribed under section 25-F of the Industrial Disputes Act. If there has been violation thereof such an employee will have to be re-instated in his original service on the same terms and conditions in which he was working earlier. If this is the position of law, we fail to understand as to how the High Court could have interfered with the award made by the Labour Court. We set aside the order made by the High Court and restore the award made by the Labour Court. The appeal is allowed accordingly."

25. The petitioner had claimed all service consequential benefits including back wages for his illegal termination in violation of the mandatory provisions of section 25-F (a), (b) and (c) of the Act, by the respondents.

26. The respondents have led no evidence on the record to show that the petitioner remained in painful employment after his dis-engagement and also failed to bring on the record any plausible reasons as to why the petitioner is not entitled for all consequential service benefits on his re-instatement including back wages. Rather the contradictory stand has been taken by the respondents i.e. first, the petitioner left the job himself after 16-11-2000 and secondly, the work was closed due to snow fall in the area w. e. f. 16-11-2000 and therefore, the petitioner was dis-engaged from 16-11-2000.

27. It appears that the services of the petitioner were intentionally dis-engaged without the petitioner being shifted to some other available work scheme within the sub-division or the division of the respondents during the snow season. The petitioner was thus pushed to relentless litigation for no fault on his part and therefore, the petitioner is not only entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination, but also for all consequential service benefits including seniority and back wages to the extent of 50%. Accordingly, both the issues are decided in favour of the petitioner and against the respondents.

Issue No. 3

28. The respondents have led no evidence on the record to show that the claim of the petitioner for his re-instatement on account of his illegal termination is barred by limitation. No period of limitation has been prescribed under the Act for raising an industrial dispute. However, in the peculiar facts and circumstances of the case, the court should look into the other aspects of the case i. e. laches or un-explained delay caused by the petitioner in raising the industrial dispute. However, in the present case the services of the petitioner were dis-engaged w. e. f. 16-11-2000 and he raised the industrial dispute with the Labour department. The Labour department made efforts for conciliation, but when the conciliation failed, the Labour Officer, Mandi, sent the reference with his report to the Labour Commissioner vide letter dated 17-3-2003. The Labour Commissioner took atleast one year to refer the dispute for adjudication to this court vide letter dated 2-1-2004. There appears to be no delay and laches on the part of the petitioner in this case and therefore, the plea taken by the respondent that the petition is barred for limitation is unsustainable. Otherwise also the Hon'ble Supreme Court in case titled "Sapan Kumar Pandit Vs. U. P. State Electricity Board", 2001 1 L R 900, has held as under:-

"Limitation—Principle of Limitation applicable for making reference-service of workman terminated on 17-7-1975 workman challenged his termination Govt. made reference on 29-3-1993 under section 2 K of the U. P. Industrial Disputes Act. Section 2 K is almost in tune with section 10 of the Industrial disputes Act, Management filed petition—High Court quashed the reference

order passed by the Govt. solely on the such delay, appeal accepted- The High Court should not have quashed the reference. The words "At any time" as used in the section are *prima facie* indicator to a period without boundry."

29. In view of the position of law, which is fully applicable in the facts and circumstances of the present case, the stand taken by the respondents with regard to the limitation is un-sustainable. Accordingly, this issue is also decided in favour of the petitioner and against the respondents.

REFILE

30. In view of my findings on above issues, since the services of the petitioner were terminated by the respondents in violation of the mandatory requirements of section 25-1 (a), (b) and (c) of the Act and therefore, the petitioner is entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination. The petitioner shall also be entitled for all consequential service benefits including seniority and back wages to the extent of 50%. The respondents are directed to re-engage the petitioner, within 90 days from the date of announcement of this award failing which the petitioner shall be entitled for full wages. The reference is answered accordingly.

31. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced.
21-7-2005.

Seal. **GEORGE,**
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala, Himachal Pradesh.

Before the Hon'ble Presiding Judge-cum-Industrial
Tribunal Labour Court Division Kangra at Dharamshala

Constituted under Industrial Disputes Act

In the matter of :

Shri Anil Kumar Anshkalin Karamchhari in the officer
of Children Development Project Officer, Narpur, District
Kangra, Himachal Pradesh .. Applicant.

Vs.

1. The Director, Department of Social Welfare and Justice, Himachal Pradesh, Shimla.
2. District Programme Officer, Kangra at Dharamshala.
3. The Children Development Project Officer at Narpur, District Kangra, Himachal Pradesh.

.. Respondents.

Petition under section 11A of the Industrial Disputes Act, 1947 against the order dated 26-10-2004 passed by the Respondent No. 3 *vide* which the services of the applicant have been terminated.

25-7-2005

Present : None for the petitioner.
None of respondents present.

The case called thrice, but neither the petitioner nor the counsel for the petitioner is present. It appears that the petitioner is not interested in pursuing the matter and therefore, the petition is dismissed for want of prosecution. The file after completion be consigned to record room.

Announced.

Seal. **GEORGE,**
Presiding Judge,
H. P. Industrial Tribunal-cum-Labour Court,
Dharamshala, Himachal Pradesh.

बहुदलीय परियोजनाएं एवं विधान विभाग

शुद्धि पत्र

जिम्मा-2, 31 अगस्त, 2006

महाराष्ट्र विधान सभा (5) 34/2005 इस विभाग की समसमयक अधिसूचना दिनांक 21-3-2006 को कि फाटी रोवा, काठी प्रमाण, उप-नहमीय नैव, जिम्मा कुम्भु मे राखेता जे विधान परियोजना के लिए भूमि अधिग्रहण करने के लिए भू-अर्जन अधिनियम, 1894 की धारा 17(4) के अन्तर्गत जारी की गई है, मे भूमि मन्त्रालय नम्बर 2069/2 गारंटी 00-18-00 का खसरा नम्बर "2069/2" के खसरा पर खसरा नम्बर "2289/2" पड़ा जाए।

आदेश द्वारा,

हस्ताक्षरित/
प्रधान अधिकारी।

लोक निर्माण विभाग

अधिसूचना

जिम्मा-2, 4 मिनट, 2006

महाराष्ट्र विधान सभा (5) 34/2005 इस विभाग की समसमयक अधिसूचना दिनांक 21-3-2006 को कि फाटी रोवा, काठी प्रमाण, उप-नहमीय नैव, जिम्मा कुम्भु मे राखेता जे विधान परियोजना के लिए भूमि अधिग्रहण करने के लिए भू-अर्जन अधिनियम, 1894 की धारा 17(4) के अन्तर्गत जारी की गई है, मे भूमि मन्त्रालय नम्बर 2069/2 गारंटी 00-18-00 का खसरा नम्बर "2069/2" के खसरा पर खसरा नम्बर "2289/2" पड़ा जाए।

2. यह घोषणा, भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बंधित सभी व्यक्तियों की सूचना हेतु की जाती है तथा उक्त अधिनियम की धारा 7 के अधीन भू-अर्जन समाहती, लोक निर्माण विभाग, मण्डी का उक्त भूमि अर्जन करने के आदेश देने का एतद्द्वारा निर्देश दिया जाता है।

3. भूमि रेखांक का निरीक्षण भू-अर्जन समाहती, लोक निर्माण विभाग, मण्डी के कार्यालय में किया जा सकता है।

विवरणी

जिला : बिनासपुर	नहमीय धारा	खसरा नं०	क्षेत्र (बीघा बिम्बा)
गांव	1	2	3 4
मण्डला	338/1	0	7
	339/1	0	8
	341/1	0	10
	346/1	0	11
	347/1	0	1
	348/1	0	1
	351/1	0	3
	682	0	7
	665/1	0	10
	666/1	0	18
	667/2	1	0
	669/1	0	7
	672/2	0	5
	673/2	1	2
	673/4	1	14
	674/1	0	14
	678/1	0	4
	679/1	0	4

कुल .. 18 9 6

शिमला-2, 4 सितम्बर, 2006

शिमला-2, 4 सितम्बर, 2006

संख्या पी० बी० डब्ल्यू० (बी०) ए० (7) 1-95/2005.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु गांव कजलोट दुतिया, तहसील धर्मशाला, जिला कांगड़ा में धर्मशाला बाईपास के निर्माण हेतु भूमि अजित करनी अपेक्षित है। अतएव एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. यह घोषणा, भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु की जाती है तथा उक्त अधिनियम की धारा 7 के अन्तर्गत भू-अर्जन समाह्वति, लोक निर्माण विभाग, उ० क्षेत्र कांगड़ा को उक्त भूमि के अर्जन करने के आदेश देने का एतद्वारा निदेश दिया जाता है।

3. भूमि रेखांक का निरीक्षण भू-अर्जन समाह्वति, लोक निर्माण विभाग, उ० क्षेत्र कांगड़ा के कार्यालय में किया जा सकता है।

विवरणी		तहसील : धर्मशाला	
जिला : कांगड़ा			
गांव	खसरा न०	क्षेत्र (हेक्टेयर म)	
1	2	3	
कजलोट दुतिया	375/1	0 00 90	
	376/1	0 08 82	
	396/1	0 03 76	
	397/1	0 07 02	
	399/1	0 06 62	
	400/1	0 04 77	
	401/1	0 01 65	
किता .. 7		0 33 54	

शिमला-2, 4 सितम्बर, 2006

संख्या पी० बी० डब्ल्यू० (बी०) ए० (7) 1-35/2005.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः फाटी भ्यार, कोठी चौहणी, तहसील बन्जार, जिला कुल्लू में लहरी सड़क स्थित खुन्दन पुल के निर्माण हेतु भूमि अजित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिशेख में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उस धारा द्वारा प्रदत्त अथवा अनुमत अन्य सभी कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी हितवृद्ध व्यक्ति, जिस उक्त परिशेख में कथित भूमि के अर्जन पर कोई आपत्ति हो, तो वह इस अधिसूचना के प्रकाशित होने के तीस (30) दिन की अवधि के भीतर भू-अर्जन समाह्वति, मण्डी के समक्ष लिखित आर्पित दायर कर सकता है।

विवरणी		तहसील : बन्जार	
जिला : कुल्लू			
मुहाल	खसरा न०	क्षेत्र (वीधों में)	
फाटी भ्यार	1594/1	0 03 12	
		वा० सोड	
	1596/1	0 02 08	
		वा० दोम	
किता .. 2		0 06 00	

संख्या पी० बी० डब्ल्यू० (बी०) ए० (7) 1-44/2006. यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः मुहाल लुहाखर/174, तहसील सदर, जिला मण्डी में मेरापसीत से कपाही बाया टिकरी (सोहर) सड़क के निर्माण हेतु भूमि अजित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिशेख में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उस धारा द्वारा प्रदत्त अथवा अनुमत अन्य सभी कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी हितवृद्ध व्यक्ति, जिस उक्त परिशेख में कथित भूमि के अर्जन पर कोई आपत्ति हो, तो वह इस अधिसूचना के प्रकाशित होने के तीस (30) दिन की अवधि के भीतर भू-अर्जन समाह्वति, मण्डी के समक्ष लिखित रूप में आपत्ति दायर कर सकता है।

विवरणी		तहसील : सदर	
जिला : मण्डी			
गांव	खसरा न०	क्षेत्र	वीधा बिस्वा
लुहाखर/174	720	0 10 02	

शिमला-2, 28 अगस्त, 2006

संख्या पी० बी० डब्ल्यू० बी० ए० (7) 1-32/2005.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव बौन्डा, तहसील रामपुर, जिला शिमला में ज्यूरी-नवरा-बौन्डा सड़क के निर्माण हेतु भूमि अजित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिशेख में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उस धारा द्वारा अपेक्षित अथवा अनुमत अन्य सभी कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. अन्यायिक आवश्यकता को दृष्टि में रखते हुए राज्यपाल, हिमाचल प्रदेश उक्त अधिनियम की धारा 17 की उप-धारा 4 के अधीन यह भी निर्देश देते हैं कि उक्त अधिनियम की धारा 5 ए के उपबन्ध इस मामले में लागू नहीं होंगे।

5. भूमि रेखांक का निरीक्षण भू-अर्जन अधिकारी, लोक निर्माण विभाग, दक्षिण क्षेत्र शिमला के कार्यालय में किया जा सकता है।

विवरणी		तहसील : रामपुर	
जिला : शिमला			
गांव	खसरा न०	क्षेत्र (हेक्टेयर में)	
1	2	3	
बौन्डा	1727/1	0 00 32	
	1724	0 00 78	

1	2	3
	1725	0 01 90
	1723/1	0 02 60
	1654/1	0 01 63
	1656/1	0 02 58
	1730/1	0 00 23
	1726/1	0 00 23
किता .. 8		0 10 27

यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः* भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिसर में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त* प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और अधिकारियों को इनके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उस धारा द्वारा अपेक्षित अथवा अनुमत अन्य सभी कार्यों को करने के लिए सहय प्राधिकार देते हैं।

4. कोई भी हितवद्ध व्यक्ति, जिसे उक्त परिसर में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीस (30) दिन के भीतर लिखित रूप में भू-अर्जन समाहर्ता, लोक निर्माण विभाग, विन्टर फील्ड, शिमला-3 के समक्ष अपनी आपत्ति दायर कर सकता है।

5. भूमि रेखांक का निरीक्षण भू-अर्जन अधिकारी, लोक निर्माण विभाग, दक्षिण क्षेत्र शिमला के कार्यालय में किया जा सकता है।

*गांव बसन्तपुर, तहसील सुन्नी, जिला शिमला में शिमला-सुन्नी-मण्डी रोड के निर्माण हेतु।

संख्या पी0 बी0 डब्ल्यू0 बी0 ए0 (7) 1-52/2006.

शिमला-2, 4 सितम्बर, 2006.

विवरण		
जिला : शिमला	तहसील : सुन्नी	
गांव	खसरा नं०	क्षेत्र (हेक्टेयरों में)
1	2	3
बसन्तपुर	651/2	0 04 19
किता .. 1		0 04 19

तहसील : ठियोग

*गांव बडोग, तहसील ठियोग, जिला शिमला में सरोज-बडोग-क्यारट्ट सड़क के निर्माण हेतु।

संख्या पी0 बी0 डब्ल्यू0 बी0 ए0 (7) 1-103/2005.

शिमला-2, 4 सितम्बर, 2006.

बडोग	389	0 06 72
	568	0 04 58
	376	0 06 16
	388	0 05 16

1	2	3
	279	0 06 49
	286	0 03 21
	377	0 00 30
	15	0 16 66
	101	0 17 82
	56	0 00 85
	273	0 01 52
	456	0 00 49
	271	0 03 25
	274	0 00 91
	275	0 00 46
	55	0 07 64
	131	0 01 48
	133	0 02 64
किता .. 18		0 86 34

तहसील : रामपुर

*गांव साखड़ी, तहसील रामपुर, जिला शिमला में राष्ट्रीय उच्च मार्ग-22 को चौड़ा करने हेतु।

संख्या पी0 बी0 डब्ल्यू0 बी0 ए0 (7) 1-58/2006.

शिमला-2, 4 सितम्बर, 2006.

साखड़ी	2781/500 गैर मु०	0 06 30
	2782/851 " मड़क	0 02 97
	2783/853 "	0 02 14
	2784/855 "	0 00 52
किता .. 4		0 11 93

यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन नामतः* हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विवरणी में वर्णित भूमि उपर्युक्त* प्रयोजन के लिए अपेक्षित है।

2. यह घोषणा भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों को सूचना हेतु की जाती है तथा उक्त अधिनियम की धारा 7 के अधीन भू-अर्जन समाहर्ता, लोक निर्माण विभाग, शिमला को उक्त भूमि के अर्जन करने के आदेश लेने का एतद्वारा निदेश दिया जाता है।

3. भूमि रेखांक का निरीक्षण भू-अर्जन समाहर्ता, लोक निर्माण विभाग, विन्टर फील्ड शिमला के कार्यालय में किया जा सकता है।

*मौजा बडोग, तहसील व जिला सोलन में कुम्हारहट्टी-सोलन-बडोग सड़क के निर्माण हेतु।

संख्या पी0 बी0 डब्ल्यू0 (बी0) ए0 (7) 1-121/2005.

शिमला-2, 4 सितम्बर, 2006.

विवरण		
जिला : सोलन	तहसील : सोलन	
गांव	खसरा नं०	क्षेत्र (बीघा बिस्वा)
1	2	3 4
बडोग	246/1	0 9
	247/1	4 10
किता .. 2		4 19

*गांव लोहाजी, तहसील व जिला सोलन में कुम्हारहट्टी-ओच्छाट सड़क के निर्माण हेतु।

संख्या पी० बी० डब्ल्यू० (बी०) ए०-७) 1-124/2005

शिमला-2, 4 सितम्बर, 2006

1	2	3	4
लोहाजी	123/108/1	2	17
	127/106/1	0	11
	105/1	0	3
	97/2/1	0	14
	98/1	0	6
	140/99/1	2	3
	16/1	0	3
	14/1	0	11
	13/1	0	10
	154/37/1	0	12
	34/1	1	5
	33/1	0	7
	52/1	0	19
	51/1	0	4
	50/1	0	1
	55/2/1	0	2
	57/1	0	4
	58/1	0	3
	61/1	1	1
	96/1	0	15
	162/131/95/1	1	15
	162/131/95/2	1	2
	119/101/1	0	9
	119/101/4	0	16
	125/108/1	1	5
किता ..	25	18	18

भाग-2—वैधानिक नियमों को छोड़कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

कार्यालय जिला पंचायत अधिकारी, चम्बा, जिला चम्बा,
हिमाचल प्रदेश

कार्यालय आदेश

चम्बा-176 310, 6 सितम्बर, 2006

संख्या पंच चम्बा ए०(16) II-6081-87. -चूंकि श्रीमती बालो देवी, वार्ड पंच लदरोरा, ग्राम पंचायत आयाल, विकास खण्ड सलूणी, जिला चम्बा, हिमाचल प्रदेश ने धरलु काम-काज व उलझनों के कारण लदरोरा वार्ड के कार्यों के सुचारु रूप से नहीं चला सकने के कारण वार्ड पंच के पद से दिनांक 12-7-2006 को अपना त्याग-पत्र दे दिया है जिसकी पुष्टि खण्ड विकास अधिकारी, सलूणी ने अपने पत्र संख्या 1390, दिनांक 18-7-2006 के अन्तर्गत करते हुए त्याग-पत्र को स्वीकृत करने की सिफारिश की है।

अतः मैं, उत्तम सिंह वर्मा, जिला पंचायत अधिकारी, चम्बा, जिला चम्बा, हिमाचल प्रदेश उन शक्तियों का प्रयोग करते हुए, जो मुझे हिमाचल प्रदेश पंचायती राज अधिनियम, 1994 की धारा 130 (1) व हिमाचल प्रदेश पंचायती राज (सामान्य) नियम, 1997 के नियम 135 के अन्तर्गत प्राप्त हैं, श्रीमती बालो देवी, वार्ड पंच लदरोरा, ग्राम पंचायत आयाल, विकास खण्ड सलूणी, जिला चम्बा, हिमाचल प्रदेश

तहसील : कसौली

*गांव कोटला, तहसील कसौली, जिला सोलन में सुबायू मार्ग नया डगरोह पुल के निर्माण हेतु।

संख्या पी० बी० डब्ल्यू० (बी०) ए०-७) 1-82/2005

शिमला-2, 4 सितम्बर, 2006

1	2	3	4
कोटला	10/1	4	0
	13/1	2	0
	40/1	0	7
किता ..	3	6	7
हुडग	49/1	0	16
	50/1	0	10
	54/1	0	9
किता ..	3	1	15

शुद्धि-पत्र

शिमला-2, 22 अगस्त, 2006

संख्या पी० बी० डब्ल्यू० (बी०) ए०-209 (1)/2000.—इस विभाग द्वारा जारी समसंख्यक अधिसूचना दिनांक 22-2-2006 में खसरा नम्बर 2491/833/2/1 के स्थान पर खसरा नम्बर 2491/883/2/1 पढ़ा जाए।

आदेश द्वारा,

हस्ताक्षरित/-
प्रधान सचिव।

का त्याग-पत्र स्वीकार करते हुए, उक्त ग्राम पंचायत के वार्ड पंच (लदरोरा वार्ड) के पद को रिक्त घोषित करता हूं।

उत्तम सिंह वर्मा,
जिला पंचायत अधिकारी,
चम्बा, जिला चम्बा, हिमाचल प्रदेश।

Office of the District Magistrate Shimla,
District Shimla, Himachal Pradesh

NOTIFICATION

Shimla, the 5th September, 2006

No. SML-ADM/Reader (716) 06-4242-60.—Whereas there has been manifold increase in the flow of vehicular traffic in Shimla town ;

And whereas with a view to alleviate traffic hazards in the congested places, a committee was constituted on 24-6-2006 to suggest measures to clear regulate traffic in Shimla town and agreed upon by concerned authorities in a meeting on 19-8-2006;

And whereas it was recommended by the Committee that in the interest of Public Safety and to avoid traffic

hazards, it is necessary to regulate the traffic on the additional identified spots.

Now, therefore, in exercise of the powers vested in me under section 117 of the Motor Vehicles Act, 1984, I, Tarun Kapoor, IAS, District Magistrate Shimla do hereby make the orders in the following manner :

(A) **New Parking Points :**

- | | |
|--|----------------------------------|
| 1. Between Dental College to Bothwell Area upper side. | Parking space of 50/60 vehicles. |
| 2. Near IGMC Shimla which is being used by the Doctors/ Staff of IGMC shall be earmarked for IGMC staff. | Parking of 20 Vehicles. |
| 3. Three points near Govt. College Sanjauli earmarking of space for Govt. College, Sanjauli Staff. | About 35/40 Vehicles. |
| 4. No Taxi should be allowed to be parked near Tara Hall School Gate, Upper side. | No parking area for taxis. |

(B) **Bus Stop :**

The buses plying from Victory Tunnel side to Sanjauli shall drop the Passengers in front of Rain Shelter at Lakkar Bazar Bus Stand and Buses plying from Sanjauli to Victory Tunnel side shall drop passengers below Ice-Skating Rink at a distance of 100 Meters from main Bus Stand. No Taxi shall be allowed to be parked below Ice-skating Rink.

The HPPWD authorities will mark these points with Yellow colour for the general information of the public and put sign boards.

These orders shall come into force with immediate effect.

TARUN KAPOOR,
District Magistrate, Shimla,
District Shimla, Himachal Pradesh.

कार्यालय महाप्रबन्धक, जिला उद्योग केन्द्र, शिमला, हिमाचल प्रदेश

कार्यालय आदेश

शिमला, 4 सितम्बर, 2006

सं० जिउके/शिमला/वि०/अपंजीकरण/5946—निम्नलिखित पंजीकृत औद्योगिक इकाईयां जिनकी पंजीकरण संख्या एवं औद्योगिक गति-विधियां प्रत्येक इकाई के नाम के सामने दर्शाई गई हैं, ने अपनी इकाई का कार्यकलाप बन्द कर दिया है अथवा ये इकाईयां बन्द हो गई हैं, जिसके फलस्वरूप इन इकाईयों को इस आशय के साथ पंजीकृत कारण बताओ नोटिस जारी किए गए थे कि क्यों न उनका अपंजीकरण किया जाए। इकाई ने लिखित रूप में सूचित किया है कि इकाई ने उत्पादन कार्य बन्द कर दिया है। अतः निम्नलिखित इकाईयों का अपंजीकरण किया जाता है। यह इकाईयां लघु औद्योगिक इकाईयों को उपलब्ध किसी भी प्रकार के प्रोत्साहन की पात्र नहीं होंगी।

Sl. No.	Name & address of Industrial Unit	No. & Date of Registration	Item Manufactured
1	2	3	4
1.	M/s Verma Packaging Industry, V. & P. O. Matiana, Tehsil Theog.	06/09/0928/ PMT/SSI, dated 6-1-1990.	Mfg. of corrugated boxes.

Partners :

1. Sh. G. S. Verma
2. Sh. Jeet Ram Verma
3. Smt. Nirmala Verma

1	2	3	4
2.	M/s Gurcharan Steel Industries N. H. By-pass Road, Bhogal Niwas, Bhatta Kuffer, Shimla-6, Prop. Smt. Mandeep Kaur.	06/09/03598/ PMT/Tiny, dated 5-5-1998.	Steel fabrication & Aluminium Fabrication.

हस्ताक्षरित/-

महा प्रबन्धक,
जिला उद्योग केन्द्र, शिमला,
जिला शिमला, हिमाचल प्रदेश।

**OFFICE OF DEPUTY COMMISSIONER SOLAN,
HIMACHAL PRADESH**

**NOMINATION OF NON-OFFICIAL MEMBERS
FOR DISTRICT LEVEL INFORMATION-CUM-
COUNSELLING CENTRES FOR EDUCATED
UNEMPLOYED YOUTHS IN RESPECT OF
DISTRICT SOLAN**

Solan, the 25th August, 2006

No. DEE/SLN/DCE/06.3503.—In pursuance of H. P. Government Notification No. Shram (Emp.) 16-6-93-I, dated 30-1-2006 and Notification No. Shram (C) 10-1/98, dated 19-4-2006 issued by Secretary (Labour & Employment) to the Government of Himachal Pradesh and subsequent instructions/guidelines issued in this behalf by Labour Commissioner-cum-Director of Employment, Himachal Pradesh vide letter No. L. & E. (VG) 2/2004, dated 10-5-2006 and 23-5-2006, I, Rajesh Kumar, Deputy Commissioner Solan in exercise of power conferred to me, hereby nominate the following Non-Official Members for District Level Information-cum-Counselling Centre for educated unemployed youths in respect of District Solan with immediate effect :—

- | | |
|---|--------|
| 1. Shri Raghu Raj, Hon'ble M. L. A. from Kasauli Constituency. | Member |
| 2. Shri Lajja Ram Choudhary, Hon'ble M. L. A. from Doon Constituency. | Member |
| 3. Shri Rajinder Gularia, President, CII C/o Grauer & Well Barotiwala, District Solan. | Member |
| 4. Shri Sachit Jain, M.D./Occupier, Auro Spinning Mill Baddi, District Solan. | Member |
| 5. Shri J. C. Bhardwaj, President, AITUC, Saproon, District Solan. | Member |
| 6. Shri Mela Ram Chandel, Vice President, HPBMS, Baddi, District Solan, Himachal Pradesh. | Member |

The term of non-official members of the committee shall be three years or till further orders as contained in above notification of Government. The T. A./D. A. to non-official members will be paid in accordance with rules issued by the Government of Himachal Pradesh as amended from time to time.

RAJESH KUMAR,
Deputy Commissioner, Solan,
District Solan, Himachal Pradesh.

सूचना एवं जन सम्पर्क विभाग

शिमला-171 002, 28 जून, 2006

१. सौदाग्न नाम द्वौ प्रश्नश्च.—(१) इत निःशेषा वा सक्षिप्त नाम
हिमाचल प्रदेश मूलतः एक जल सम्पत् विभाग अर्थात् अभिलेखक, वही-111
(समाजशास्त्र) अर्थात् एक प्रश्नार्थ (द्वितीय प्रश्नार्थ) नियम, 2000 है।

2. उपरिस्थ 'क' का लोपः—हमचन देवता मचना एव जन
सम्पर्क विभाग ध्वनि अभिलेखक धर्म-III (पञ्चाङ्गप्रतिन) नती एव
प्रार्थना दिवस 1949 के उपरिस्थ 'क' से

(ख) मध्यम सूचका 10 के विद्यमान भाषिक के स्थान पर निम्नलिखित प्रतिस्थापित किया जायगा, अर्थात् :-

(જ) જ્ઞાન મહિમા ।। મં

"प्रान्तनि/सिकण्डमैट द्वारा भर्ती की गता में प्रेक्ष निममें
ए प्रान्तनि/सिकण्डमैट की जानी है", और

(घ) अन्ध मत्स्या 14 व: सामन रिममान प्रविष्टी के स्थान पर निर्धारित प्रतियोगिता किया जाणमा, अर्थात: --

“किमी गवा या गद गद निपुनित कः निपु धर्मधर्मा का धारण
का नागरिक जीना धर्मधर्मा है” ।

1. *Short title and commencement*—(1) These rules may be called Himachal Pradesh Department of Information and Public Relations, Sound Recorderist, Class-II (Non-cadre) Recruitment & Promotion (Second Amendment) Rules, 2005.

(2) These rules shall come into force from the date of publication in the Rajpatan Himachal Pradesh.

2 Amendment of Annexure-A. - In Annexure "A" to the Himachal Pradesh Department of Information and Public Relations, Sound Recorder, Class-III (Non-Ceased) Recruitment and Promotion Rules, 1998 :

(a) For the existing entry against Column No. 6, for the word and figures, "Between 18 years and 38 years" the word and figures shall be substituted; "Between 18 years and 45 years"

(b) For the existing title of Column No. 10, the following shall be substituted, namely:

"Method of recruitment, - whether by direct recruitment or by promotion, Secondment and the percentage of posts to be filled in by various methods"; and

(c) In Column No. 11,

(f) For the existing title, the following shall be substituted, namely:—

"In case of recruitment by promotion/Secondment grades from which promotion/Secondment is to be made"; and

(//) The words and figures, "upto 31-3-1998" wherever occurring shall be deleted; and

(d) For the existing entry against Column No. 14, the following shall be substituted, namely:—

"A candidate for appointment to any service or post must be a citizen of India".

By order,

T. G. NEGI,
Principal Secretary.

HOME DEPARTMENT
(Section D)

NOTIFICATION

Shimla-2, the 24th May, 2006.

[Authoritative English text of this department notification No Pub-A(3)28/99 dated 25-7-2006 as required under clause (3) of Article 348 of Constitution of India].

**INFORMATION AND PUBLIC RELATIONS
DEPARTMENT**

NOTIFICATION

Shimla-2, the 25th July, 2006

No. Pub. A-(3)28/99. In exercise of the powers conferred by proviso to Article 309 of the Constitution

No. Home D(3-2)/1/2003. In continuation to this department's notification of even number, dated 1st May, 2006, the Governor, Himachal Pradesh is pleased to fix following terms and conditions of appointment of of Shri Jia Lal as Dy. Superintendent of Police (Wireless) in Police Department in public interest:—

1. Salary. He shall draw salary in the pay scale of Rs. 7880-13500 with a initial start of Rs. 8000/- and his pay will be fixed in accordance with the provisions of Himachal Pradesh State Civil Services (Fixation of Pay & Re-employed Pensionary Orders, 1988 circulated by the I-D vide OM No. Pjn. (C)17/10/84, dated 1-12-1988 as amended from time to time).

टिप्पण :

(1) सीधी भर्ती के लिए छात्र सीमा की गणना उस वर्ष के पंच दिवस से की जायेगी, जिसमें यथास्थिति, आश्विन आयोजित करने के लिए पद विज्ञापित या नियोजनान्यों को अधिसूचित किए जाते हैं।

(2) अन्यथा सुधारित अध्यापकों को दशा में साक्षात् भर्ती के लिए छात्र सीमा और अनुसूच, आयोज के विवेकानुसार शांति का सक्ती।

7. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए परीक्षा न्यूनतम शैक्षणिक और अन्य ग्रहण।

(क) अनिवार्य : किसी मान्यता प्राप्त शिक्षा बोर्ड/स्थान से दसवी कक्षा पास तथा किसी मान्यता प्राप्त संस्थान से वास्तु सहयोग में डिप्लोमा।

(ख) बांछनीय ग्रहण :

हिमाचल प्रदेश की रुढ़ियों, रीतियों और बोलियों का ज्ञान और प्रदेश में विद्यमान विशिष्ट दशाओं में नियुक्ति के लिए उपयुक्तता।

8. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए विहित छात्र और शैक्षणिक ग्रहण प्रोन्नति की दशा में लागू होगी या नहीं ?

छात्र : लागू नहीं
शैक्षणिक ग्रहण : लागू नहीं

9. परीक्षा की प्रवधि, यदि कोई हो।

दो वर्ष, जिसका एक वर्ष से अधिक; एसी और प्रवधि के लिए विस्तार किया जा सकेगा जैसा कि महान प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दे।

10. भर्ती की पद्धति—जसी सीधी होगी या प्रोन्नति या प्रतिनियुक्त या स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा चरे जाने वाले पद (पदों) की प्रतिगतता।

1. 50 प्रतिशत सीधी भर्ती द्वारा ; और
2. 50 प्रतिशत बैच आधार पर

11. प्रोन्नति, प्रतिनियुक्ति या स्थानान्तरण की दशा में श्रेणियां जिनसे प्रोन्नति, प्रतिनियुक्ति या स्थानान्तरण किया जाएगा।

लागू नहीं

12. यदि विभागीय प्रोन्नति मर्यादा विद्यमान हो, तो उसकी सरचना ?

लागू नहीं।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा।

जैसा कि विधि द्वारा आदेशित हो।

14. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए परीक्षा।

किसी सेवा व पद पर नियुक्ति के लिए अभ्यर्थी का निम्नलिखित होना आवश्यक है :—

(क) भारत का नागरिक, या
(ख) नेपाल की प्रजा, या

(ग) भूटान की प्रजा, या

(घ) तिब्बत प्रजावासी जो 1 जनवरी, 1962 से पूर्व भारत में स्थायी निवास के आशय से आया हो, या

(ङ) भारतीय मूल का कोई व्यक्ति जिसने पाकिस्तान, बर्मा, थैलैंड, पूर्व पाकिस्तान के देशों कोनिया, युगाण्डा, गानाईटेड रिपब्लिक आफ तंजानिया (पहले तंजानिका और तंजीवार) जॉर्जिया, मालवा, प्रेयरे और इथापिया से भारत में स्थायी निवास के आशय से प्रवास किया हो :

परन्तु प्रबंध (ख), (ग), (घ) और (ङ) के अभ्यर्थी ऐसे व्यक्ति होंगे जिनके पक्ष में भारत सरकार द्वारा पारिता प्रमाण-पत्र जारी किया गया हो।

ऐसे अभ्यर्थी को, जिनमें मामले में पारिता का प्रमाण-पत्र आवश्यक हो, हिमाचल प्रदेश लोक सेवा आयोग या अन्य भर्ती प्राधिकरण द्वारा संचालित परीक्षा/मास्तरकार में प्रविष्ट किया जा सकेगा किन्तु उसे नियुक्ति का प्रस्ताव, भारत सरकार द्वारा पारिता का प्रमाण-पत्र जारी किए जाने के पश्चात् ही, दिया जाएगा।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन।

सीधी भर्ती के मामले में पद पर नियुक्ति के लिए चयन, मौखिक परीक्षा के आधार पर, और यदि यथास्थिति, हिमाचल प्रदेश लोक सेवा आयोग या अन्य भर्ती प्राधिकरण ऐसा करना आवश्यक या समीचीन समझे, तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जायेगा। पाठ्यक्रम, यथास्थिति, आयोग/अन्य भर्ती प्राधिकरण द्वारा निर्धारित किया जायेगा।

16. आरक्षण

उक्त सेवा में नियुक्त, हिमाचल प्रदेश सरकार द्वारा समय-समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य प्रवर्ग के व्यक्तियों के लिए सेवाओं में आरक्षण की बाबत जारी किए गए आदेशों के अधिन होगी।

17. शिथिल करने की शक्ति

जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां यह कारणों को अधिलिखित करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से आदेश द्वारा इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या वर्गों की बाबत शिथिल कर सकेगी।

[Authoritative English text of this Government notification No. PBW (A)/B(13)/2005 dated 8-8-2006 as required under clause (3) of Article 348 of the Constitution of India].

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Shimla-2, the 8th August, 2006

No. PBW-(A)/B(13)-1/2005.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh in consultation with Himachal Pradesh Public Service Commission, is pleased to make the Recruitment & Promotion Rules for the post of Senior Draughtsman, Class-III (Non-Gazetted) in Himachal Pradesh Public Work Department as per Annexure-A attached to the notification, namely:—

1. *Short title and commencement.*—(i) These rules may be called the Himachal Pradesh Public Works Department Senior Draughtsman (Class-III Non-Gazetted) Recruitment and Promotion Rules 2006.

(ii) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. *Repeal and savings.*—(i) The Recruitment & Promotion Rules for the post of Senior Draughtsman Himachal Pradesh Public Works Department notified vide notification No. PBW(A)/B(13)38/94 dated 25-4-1997 and as amended vide notification of even number dated 16-3-2000 are hereby repealed.

(ii) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under sub-rule (i) supra shall be deemed to have been validly made, done or taken under these rules.

By order,

Sd/-
Principal Secretary.

RECRUITMENT AND PROMOTION RULES FOR THE POST OF SENIOR DRAUGHTSMAN IN THE DEPARTMENT OF PUBLIC WORKS HIMACHAL PRADESH

1. Name of the post	Senior Draughtsman
2. Number of posts	20 (Twenty)
3. Classification	Class-III (Non-Gazetted)
4. Scale of pay	Rs. 6400-200-7090-220-8100-275-10300-340-10640.
5. Whether selection post or non-selection post?	Non-selection
6. Age for direct recruitment.	Between 18 and 38 years:

Provided that the upper age limit for direct recruitment will not be applicable to the candidates already in service of the Government including those who have been appointed on *ad hoc* or on contract basis:

Provided further that if a candidate appointed on *ad hoc* basis had become overage on the date when he was appointed as such he shall not be eligible for any relaxation in the

prescribed age limit by virtue of his such *ad hoc* or contract appointment.

Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribes/ other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government.

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government servants before absorption in Public Sector Corporations / Autonomous Bodies at the time of initial constitution of such Corporations/Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations / Autonomous Bodies who were/are subsequently appointed by such Corporations/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporations/Autonomous Bodies.

(i) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is/are advertised for inviting applications or notified to the Employment Exchanges or as the case may be.

(ii) Age and experience in the case of direct recruitment, relaxable at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum educational and other qualifications required for direct recruits.

(a) *Essential Qualifications:*
(i) Should have passed the Matriculation Examination from a recognised Board of School Education/Institution and Diploma in Architectural Assistantship from a recognised institute.

(b) *Desireable Qualifications:*
Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh

8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees
(i) Age : Not applicable
(ii) Educational Qualification: Not applicable
9. Period of probation, if any. Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.
10. Method of recruitment whether by direct recruitment or by promotion, deputation, transfer and the percentage of vacancies to be filled in by various methods.
(i) 50% by direct recruitment; and
(ii) 50% batch-wise recruitment.
11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation/transfer is to be made. Not applicable
12. If a Departmental Promotion Committee exists, what is its composition? Not applicable
13. Circumstances under which the Himachal Pradesh Public Service Commission is to be consulted in making recruitment. As required under the law
14. Essential requirement for a direct recruitment. A candidate for appointment to any service or post must be:
(a) a citizen of India, or
(b) a subject of Nepal, or
(c) a subject of Bhutan, or
(d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
(e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika
- and Zanzibar), Zambia, Malawi, Zaire & Ethiopia with the intention of permanently settling in India:
- Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.
- A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by appointing authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of India.
15. Selection for appointment to the post by direct recruitment. Selection for appointment to the post in the case of direct recruitment shall be made on the basis of *vide voce* test, if the Himachal Pradesh Public Service Commission or other recruiting authority, as the case may be, so consider necessary or expedient by a written test or practical test, the standard/syllabus, etc. of which will be determined by the Commission/other recruiting authority, as the case may be.
16. Reservation. The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Backward Classes/Other categories of persons issued by the Himachal Pradesh Government from time to time
17. Power to relax. Where the State Government is of the opinion that it is necessary or expedient to do so, it may, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons or posts.

भाग 5—व्यक्तिगत अधिभूतनाथों की विज्ञापन

ब अदालत श्री मंजीव शर्मा तहसीलदार एवं कार्यकारी दण्डाधिकारी, डलहौजी जिला चम्बा, हिमाचल प्रदेश

श्री जयन लाल मुपुत्र श्री निराला रात्र, निवासी गांव विठा, परमाना भुवन, तहसील डलहौजी, हिमाचल प्रदेश प्राप्ति

बनाम

आम जनता

प्रत्यार्थीगण

प्रायंत-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969

उपरोक्त प्राप्ति ने अधोहस्ताक्षरी की अदालत में प्रायंत-पत्र मय ध्यान हल्कीय इस आशय से गुजारा है कि उसके मुपुत्र अंकिन कुमार की जन्म तिथि 28-6-2003 है जोकि ग्राम पंचायत मियुला के रिकार्ड में दर्ज न है। जिसे दर्ज किया जावे।

इस सम्बन्ध में सर्वसाधारण को बजरिया इस्तहार सूचित किया जाता है कि प्राप्ति के मुपुत्र की जन्म तिथि ग्राम पंचायत मियुला के रिकार्ड में दर्ज करने पर यदि किसी को कोई उजर एतराज हो तो वह दिनांक 4-10-2006 को असाकतन या बकालतन अदालत अधोहस्ताक्षरी आकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की मूरत में जन्म तिथि दर्ज करने के आदेश दे दिए जायेंगे।

आज दिनांक 30-8-2006 को मेरे हस्ताक्षर व अदालत मोहर में जारी हुआ।

मोहर

मंजीव शर्मा,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
डलहौजी जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री मंजीव शर्मा, कार्यकारी दण्डाधिकारी, डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री मुखदेव राणा, मुपुत्र श्री गरीब दास, निवासी गांव व डाकघर बनीखेत, तहसील डलहौजी, जिला चम्बा, हिमाचल प्रदेश ... प्राप्ति

बनाम

आम जनता

प्रत्यार्थीगण।

प्रायंत-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम 1969.

उपरोक्त प्राप्ति ने अधोहस्ताक्षरी की अदालत में प्रायंत-पत्र मय ध्यान हल्कीय इस आशय से गुजारा है कि उसके मुपुत्र मधुरेश राणा की जन्म तिथि 31-5-1992 है, जोकि ग्राम पंचायत बनीखेत के रिकार्ड में दर्ज न है। जिसे दर्ज किया जावे।

इस सम्बन्ध में सर्वसाधारण को बजरिया इस्तहार सूचित किया जाता है कि प्राप्ति के मुपुत्र की जन्म तिथि ग्राम पंचायत बनीखेत के रिकार्ड में दर्ज करने पर यदि किसी को कोई उजर एतराज हो तो वह दिनांक 4-10-2006 को असाकतन या बकालतन अदालत अधोहस्ताक्षरी आकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की मूरत में जन्म तिथि दर्ज करने के आदेश दे दिए जायेंगे।

आज दिनांक 29-8-2006 को मेरे हस्ताक्षर व अदालत मोहर में जारी हुआ।

मोहर।

मंजीव शर्मा,
कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री मंजीव शर्मा कार्यकारी दण्डाधिकारी, डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री रजन चन्द मुपुत्र श्री होजियारा राम, निवासी गांव बामा, डाकघर बगहार, तहसील डलहौजी, जिला चम्बा, हिमाचल प्रदेश प्राप्ति।

बनाम

आम जनता

प्रत्यार्थीगण

प्रायंत-पत्र नाम दस्त्यी बावे।

उपरोक्त प्राप्ति ने अधोहस्ताक्षरी की अदालत में प्रायंत-पत्र मय ध्यान हल्कीय इस आशय से गुजारा है कि उसका नाम ग्राम पंचायत नगाली में रजन चन्द दर्ज है जो सही है लेकिन राजस्व रिकार्ड में रनो दर्ज है, जो गलत दर्ज है। जिसे दस्त्यी किया जावे।

इस सम्बन्ध में सर्वसाधारण को बजरिया इस्तहार सूचित किया जाता है कि प्राप्ति के नाम दस्त्यी बावे यदि किसी को कोई उजर एतराज हो तो वह असाकतन या बकालतन अदालत अधोहस्ताक्षरी दिनांक 4-10-2006 आकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की मूरत में नाम दस्त्यी के आदेश दे दिए जायेंगे।

आज दिनांक 29-8-2006 को मेरे हस्ताक्षर व अदालत मोहर में जारी हुआ।

मोहर।

मंजीव शर्मा,
कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री मंजीव शर्मा, कार्यकारी दण्डाधिकारी, डलहौजी, जिला चम्बा, हिमाचल प्रदेश।

श्री मंजय कुमार मुपुत्र स्व0 श्री मन्जी राम, निवासी गांव बानू डाकघर मुदली, तहसील डलहौजी, जिला चम्बा, हिमाचल प्रदेश प्राप्ति

बनाम

आम जनता

प्रत्यार्थीगण।

प्रायंत-पत्र नाम दस्त्यी बावे।

उपरोक्त प्राप्ति ने अधोहस्ताक्षरी की अदालत में प्रायंत-पत्र मय ध्यान हल्कीय इस आशय से गुजारा है कि उसका नाम ग्राम पंचायत रिकार्ड व स्कूल प्रमाण-पत्रों में मंजय कुमार दर्ज है जो सही दर्ज है लेकिन नमाल विभाग के रिकार्ड में उसका नाम मन्जी से मंजू दर्ज है। इसी प्रकार प्राप्ति के पिता का नाम स्कूल प्रमाण-पत्रों व ग्राम पंचायत में गाहको राम दर्ज है जो सही व दस्त्यी है लेकिन राजस्व रिकार्ड में काको उफ हुननाको दर्ज है जो गलत दर्ज है। जिसे दस्त्यी किया जावे।

इस सम्बन्ध में सर्वसाधारण को बजरिया इस्तहार सूचित किया जाता है कि प्राप्ति का नाम मंजय कुमार व उसके पिता का नाम गाहको राम राजस्व रिकार्ड में दस्त्यी करने पर यदि किसी को कोई उजर एतराज हो तो वह दिनांक 4-10-2006 को असाकतन या बकालतन अदालत अधोहस्ताक्षरी आकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की मूरत में एक तरफ का कार्यवाही अवल में लाई जा करके दस्त्यी के आदेश दे दिए जायेंगे।

आज दिनांक 29-8-2006 को मेरे हस्ताक्षर व अदालत मोहर में जारी हुआ।

मोहर।

मंजीव शर्मा,
कार्यकारी दण्डाधिकारी, डलहौजी,
जिला चम्बा, हिमाचल प्रदेश।

व अदालत श्री संजीव शर्मा, कार्यकारी दण्डाधिकारी, डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री हेम राज मुपुत्र श्री काको राम, निवासी गांव वानू, डाकघर मुदलो, तहसील डलहौजी, हिमाचल प्रदेश प्रार्थी ।

बनाम

आम जनता

प्रत्यार्थीगण ।

प्रार्थना-पत्र नाम दस्तुती बारे ।

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय ब्यान हल्फी इस आशय से गुजारा है कि उसका नाम हेम राज है जो कि ग्राम पंचायत रिकार्ड व स्कूल प्रमाण-पत्रों में भी सही दर्ज है लेकिन राजस्व रिकार्ड में गलती से केवल दर्ज है । जिसे दस्तुत किया जावे ।

इस सम्बन्ध में सर्वसाधारण को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी के नाम दस्तुती बारे यदि किसी को कोई उजर एतराज हो तो वह असालतन या बकालतन अदालत अधोहस्ताक्षरी दिनांक 4-10-2006 को आकर अपना एतराज दर्ज करवा सकता है । हाजिर न आने की सूरत में नाम दस्तुती के आदेश दे दिये जाएंगे ।

आज दिनांक 29-8-2006 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ ।

मोहर ।

संजीव शर्मा,
कार्यकारी दण्डाधिकारी, डलहौजी,
जिला चम्बा, हिमाचल प्रदेश ।

व अदालत श्री संजीव शर्मा, तहसीलदार एवं कार्यकारी दण्डाधिकारी, डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री बदरी नारायण मुपुत्र श्री किरलू राम, निवासी गांव धार परगना नगाली, तहसील डलहौजी, जिला चम्बा, हिमाचल प्रदेश प्रार्थी ।

बनाम

आम जनता

प्रत्यार्थीगण ।

प्रार्थना-पत्र नाम दस्तुती बारे ।

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय ब्यान हल्फी इस आशय से गुजरा है कि उसका नाम मुहाल धार पटवार युत समलेऊ के रिकार्ड में गलती से बदरी नाथ दर्ज है जबकि उसका सही नाम बदरी नारायण है ।

इस सम्बन्ध में सर्वसाधारण को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी के नाम दस्तुती बारे यदि किसी को कोई उजर एतराज हो तो वह दिनांक 4-10-2006 को असालतन या बकालतन अदालत अधोहस्ताक्षरी आकर अपना एतराज दर्ज करवा सकता है । हाजिर न आने की सूरत में नाम दस्तुती के आदेश दे दिए जाएंगे ।

आज दिनांक 2-9-2006 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ ।

मोहर ।

संजीव शर्मा,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा, हिमाचल प्रदेश ।

व अदालत श्री शमशेर सिंह, सहायक समाहर्ता द्वितीय श्रेणी, सियुन्ता, जिला चम्बा, हिमाचल प्रदेश

श्री प्रेम चन्द पुत्र श्री राम सरन, निवासी, गांव व डाकघर धूला रा उप-तहसील सियुन्ता, जिला चम्बा, हिमाचल प्रदेश ।

बनाम

आम जनता

विषय: प्रार्थना-पत्र नाम दस्तुती बारे ।

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय ब्यान हल्फी इस आशय से गुजारा है कि आवेदक का नाम पंचायत रिकार्ड व सर्विस रिकार्ड में प्रेम लाल दर्ज है तथा राजस्व अभिलेख में प्रेम चन्द दर्ज है । प्रार्थी राजस्व अभिलेख में प्रेम चन्द उर्फ प्रेम लाल पुत्र राम सरन के रूप में दस्तुती करवाना चाहता है ।

अतः इस इश्तहार के माध्यम से सर्वसाधारण जनता को सूचित किया जाता है कि प्रार्थी का नाम प्रेम चन्द उर्फ प्रेम लाल पुत्र राम सरन किए जाने वाले कोई एतराज हो तो वह दिनांक 5-10-2006 को हमारी अदालत में हाजिर आकर अपना उजर/एतराज पेश कर सकता है । उजर/एतराज प्रस्तुत न करने की सूरत में उपरोक्त नाम दर्ज करने के आदेश पारित कर दिए जाएंगे ।

आज दिनांक 7-9-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

शेर सिंह,
सहायक समाहर्ता द्वितीय श्रेणी,
सियुन्ता, जिला चम्बा, हिमाचल प्रदेश ।

व अदालत श्री सुर्जन सिंह, नायब तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी, तहसील भोरज, जिला हमीरपुर, हिमाचल प्रदेश

इश्तहार मकफूद-उल-खबरी

श्रीमती कलाशो देवी बेवा श्री शंकर, वासी टीका भलवीना, मौजा मेवा, तहसील भोरज, जिला हमीरपुर (हि० प्र०) ।

बनाम

आम जनता

श्री नीराता राम पुत्र बहादुर, वासी टीका भलवीना, मौजा मेवा, तहसील भोरज, जिला हमीरपुर, कलाशो देवी बेवा श्री शंकर, वासी टीका भलवीना, तहसील भोरज ने प्रार्थना-पत्र तिथि 30-8-2006 को इस कार्यालय में प्रस्तुत किया है जिसमें उसने जो उसके ससुर का भतीजा है जो तकरीबन 70-80 साल से लापता होने का वर्णन किया है उसमें लिखा है कि नीराता पुत्र बहादुर को जो उसके ससुर का भतीजा है को बहुत ढूंढा पर कहीं न मिला और न ही उसका कोई अता-पता चल पाया । कलाशो देवी ने अपने प्रार्थना-पत्र में यह भी वर्णन किया है कि नीराता राम की कोई शादी नहीं हुई है और न ही कोई सन्तान है ।

उसने अपने प्रार्थना-पत्र में यह भी ब्यान किया है कि नीराता पुत्र बहादुर बनाम हुसम चन्द, विधि चन्द पुत्र व श्रीमती त्रिमला देवी पुत्री व श्रीमती कलाशो देवी विधवा शंकर सम भाग, भाग देवी, मथरा देवी पुत्री नानकू, राम चन्द पुत्र व श्रीमती रामी देवी पुत्री व श्रीमती कोशल्या देवी विधवा बोहल समभाग आठवां, लक्ष्मी कान्त पुत्र व श्रीमती पूनम, श्रीमती सक्तीता पुत्रियां व श्रीमती प्रोमिला विधवा पृथी चन्द समभाग चांवीसवां, दुर्गा उपनाम जागा, भगत, गुरदित् पुत्र व श्रीमती अर्पिता देवी विधवा समभाग 1/2 भाग वासी देह बरासत का इत्तकाल बराए इत्तकाल नम्बर 1625, दिनांक 22-8-2006 को दर्ज रजिस्टर किया गया है, के बारे किसी को या नीराता राम पुत्र बहादुर यदि कहीं जीवित हो का कोई उजर या एतराज हो तो वह भ्रमालतन

या वकालतन तिथि 30-9-2006 को उपस्थित होकर अपना एतराज प्रस्तुत कर सकता है अन्यथा एकतरफा कार्यवाही अमल में लाई जायेगी।

आज दिनांक 31-8-2006 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी किया गया।

मोहर।

सुर्जन सिंह,
सहायक समाह्वानी द्वितीय श्रेणी,
भोरंज, जिला हमीरपुर (हि0 प्र0)।

हमीरपुर में शादी कर ली है जिसे स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत पंजीकृत किया जाना है।

अतः ग्राम जनता एवं उनके रिश्तेदारों को इस इशतहार द्वारा सूचित किया जाता है कि उक्त शादी पंजीकरण करने वाले किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 5-10-2006 को सुबह 10.00 बजे या इससे पहले असालतन या वकालतन हाजिर अदालत होकर पेश करे अन्यथा शादी पंजीकरण करने वाले ग्रामामी कार्यवाही अमल में लाई जाएगी।

आज दिनांक को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

बार0 के0 प्रुथी,
मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी,
हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, नहसील देहरा, जिला कांगड़ा हिमाचल प्रदेश

व मुकद्दमा:

सुरेश चन्द्र घीमान पुत्र श्री मेहर चन्द्र, निवासी घनौड़, तहसील देहरा (हि0 प्र0)।

बनाम

ग्राम जनता

व अदालत श्री बार0 के0 प्रुथी, मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी, हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश

1. सुनील कुमार उम्र 24 वर्ष सुपुत्र श्री कर्म चन्द, गांव गरमाड़ (साहो), डा0 भरेड़ी, तहसील भोरंज, जिला हमीरपुर।

2. श्रीमती पूनम रानी उम्र 20 वर्ष सुपुत्री श्री राम दास, आवास सं0 1845, गली नं0 15, बाई नं0 60, बौलत कलौती (पी0 कलौती) लुधियाना (पं0)।

बनाम

ग्राम जनता

प्रार्थना-पत्र अधीन धारा 16 ऑफ स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत शादी पंजीकरण करने वाले।

उपरोक्त मुकद्दमा में श्री सुनील कुमार व श्रीमती पूनम रानी ने दिनांक 13-8-2006 को हिन्दू रीति-रिवाज अनुसार मनशा देवी मन्दिर भमीमाजरा, चण्डीगढ़ (पंजाब) में शादी कर ली है जिसे स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत पंजीकृत किया जाना है।

अतः ग्राम जनता एवं उनके रिश्तेदारों को इस इशतहार द्वारा सूचित किया जाता है कि उक्त शादी पंजीकरण करने वाले किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 5-10-2006 को सुबह 10.00 बजे या इससे पहले असालतन या वकालतन हाजिर अदालत होकर पेश करे अन्यथा शादी पंजीकरण करने वाले ग्रामामी कार्यवाही अमल में लाई जायेगी।

आज दिनांक 24-8-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

बार0 के0 प्रुथी,
मैरिज ऑफिसर एवं
उप-मण्डल दण्डाधिकारी, हमीरपुर,
जिला हमीरपुर, हिमाचल प्रदेश।

व अदालत श्री बार0 के0 प्रुथी, मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी, हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश

1. विनय कुमार उम्र 22 वर्ष सुपुत्र श्री रमेश, गांव मरोट, डा0 शालगी, तहसील कुरु, जिला लोहारटका (झारखण्ड) C/O जूमी नजदीक एन0 आई0 टी0 हमीरपुर।

2. अन् उम्र 19 वर्ष सुपुत्री श्री सुलेमान, गांव जरिया, डा0 लोहतमा, तहसील करहा, जिला रांची (झारखण्ड) C/O विजय चौहान, ठेकेदार, हीरा नगर हमीरपुर।

बनाम

ग्राम जनता

प्रार्थना-पत्र अधीन धारा 16 ऑफ स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत शादी पंजीकरण वाले।

उपरोक्त मुकद्दमा में श्री विजय कुमार व श्रीमती अनु ने दिनांक 14-6-2006 को हिन्दू रीति-रिवाज अनुसार संतोषी माता मन्दिर

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम जनता।

श्री सुरेश चन्द्र घीमान ने इस अदालत में दरखास्त दी है कि इसकी पुत्री श्रीमती सुधा घीमान का जन्म पंचायत रजिस्टर में गलती से दर्ज ना करवाया गया है। अब दर्ज किया जावे। इसकी पुत्री की जन्म तिथि 8-4-1974 है तथा बच्चे का जन्म बलौड़ गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने बारे कोई आपत्ति या उजर हो तो वह दिनांक 30-9-2006 को समय 10.00 बजे प्रातः स्वयम् अथवा किसी वान्छित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करे अन्यथा एकतरफा कार्यवाही अमल में लाई जाएगी।

आज दिनांक 3-8-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी देहरा,
तहसील देहरा, जिला कांगड़ा (हि0 प्र0)।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

व मुकद्दमा:

मान चन्द पुत्र श्री बूहड़ू राम, निवासी Pathiar Jhameti, डाकखाना अम्ब, तहसील देहरा, जिला कांगड़ा (हि0 प्र0)।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम जनता।

श्री मान चन्द ने इस अदालत में दरखास्त दी है कि इसकी पौती निधी चौधरी पुत्री श्रीमती सुनीता कुमारी पत्नी श्री सुनील कुमार का

जन्म पंजीकरण रजिस्टर में गलती से दर्ज न करवाया गया है। जब दर्ज किया जावे। इसके पीछी की जन्म तिथि 13-10-2001 है तथा बच्चे का जन्म अम्ब-पटियार गांव में हुआ है।

घत इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक 30-9-06 समय 10 बजे प्रातः स्वयम् अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें। अन्यथा एकतरफा कार्यवाही अमल में लाई जावेगी।

प्राज दिनांक 25-7-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी देहरा, तहसील देहरा,
जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत कार्यकारी दण्डाधिकारी देहरा, तहसील देहरा, जिला कांगड़ा,
हिमाचल प्रदेश

व मुकदमा
संध्या देवी गल्ली श्री परशोतम लाल, निवासी Gathuter,
तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

बनाम

आम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969

नोटिस बनाम जनता

श्रीमती संध्या देवी ने अदालत में दरखास्त की है कि इसकी पीछी शिर भरिया चौधरी पुकी की अवतार चन्द का जन्म पंजीकरण रजिस्टर में गलती से दर्ज न करवाया गया है। जब दर्ज किया जावे। इसके पीछी की जन्म तिथि 29-10-2004 तथा बच्चे का जन्म Gathuter गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक 30-9-2006 समय 10 बजे प्रातः स्वयम् अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें। अन्यथा एकतरफा कार्यवाही अमल में लाई जावेगी।

प्राज दिनांक 3-8-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी देहरा,
तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत कार्यकारी दण्डाधिकारी देहरा, तहसील देहरा, जिला कांगड़ा,
हिमाचल प्रदेश

व मुकदमा

भाग सिंह पुत्र श्री खुशी राम, निवासी गांव व डाकखाना दनियांरा,
तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

बनाम

आम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969.

नोटिस बनाम जनता।

श्री भाग सिंह ने अदालत में दरखास्त की है कि इसकी माता जिन्ना देवी की मृत्यु तिथि पंजीकरण रजिस्टर में गलती से दर्ज न करवाया गया है।

अब दर्ज की जावे। इसके माता की मृत्यु तिथि 4-12-2002 तथा माता की मृत्यु दण्डाधिकारी गांव में हुई है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसकी मृत्यु तिथि दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक 30-9-2006 समय 10 बजे प्रातः स्वयम् अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें। अन्यथा एकतरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 28-7-2006 को हमारे हस्ताक्षर व मोहर न्यायालय द्वारा जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी देहरा,
तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

व अदालत कार्यकारी दण्डाधिकारी देहरा, तहसील देहरा, जिला कांगड़ा,
हिमाचल प्रदेश

व मुकदमा :

संजय सुव बनाम आम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969.

नोटिस बनाम आम जनता।

श्री संजय सुव ने इस अदालत में दरखास्त की है कि इसके पुत्र रेनी (Renay) का जन्म पंजीकरण रजिस्टर में गलती से दर्ज न करवाया गया है। जब दर्ज किया जावे। इसके पुत्र की जन्म तिथि 5-4-2004 है तथा बच्चे का जन्म गांव प्रागपुर में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक 30-9-2006 को समय 10.00 बजे प्रातः स्वयम् अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

प्राज दिनांक 29-7-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि० प्र०)।

व अदालत श्री मनीष चौधरी, नायब-तहसीलदार एवं कार्यकारी
दण्डाधिकारी, देहरा, जिला कांगड़ा, हिमाचल प्रदेश

श्री हरी राम पुत्र श्री रिङ्कू, मुहाल सलेतर, भोजा अम्ब,
तहसील देहरा जिला कांगड़ा (हि० प्र०)।

बनाम

आम जनता

विषय.—नाम की वक्तृता।

नोटिस बनाम आम जनता।

श्री हरी राम पुत्र श्री रिङ्कू, मुहाल सलेतर, भोजा अम्ब, तहसील देहरा ने इस अदालत में प्राथमिक भय अपील दाखल कर रखी है कि राजस्व मांग में उसका नाम हरी चन्द तथा हरी सिंह पुत्र रिङ्कू गलत दर्ज है। जबकि हरी चन्द व हरी सिंह पुत्र रिङ्कू, मुहाल सलेतर, भोजा अम्ब, तहसील देहरा की बजाए हरी राम पुत्र रिङ्कू, मुहाल सलेतर, भोजा अम्ब तथा मुहाल डोली,

भोजा अथवा तथा मुहाल उम्मेर, भोजा मुम्बर, तहसील देहरा वजें
हीना है।

अतः इस नोटिस द्वारा सम्बन्धित जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि हरी राम पुत्र गिबू के नाम की वस्ती बाँर किसी को कोई एतराज हो तो वह अमानत या वकालत हाज़र होकर अपना उजर निधि 30-9-2006 को प्रातः 10.00 बजे उग्र अदालत में पेश करे।

प्रातः दिनांक 7-8-2006 को मेरे हुस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर।

सुनील चौधरी,
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि० प्र०)

व अदालत श्री जगदीश राम, तहसीलदार एवं कार्यकारी दण्डाधिकारी,
जमवां, जिला कांगड़ा, हिमाचल प्रदेश

गिणी पेश गर्मा बनाम आम जनता

विषय—प्राधान्य जेर घारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969

नोटिस बनाम आम जनता।

अदालत हज़ा में जिला रजिस्ट्रार (जन्म एवं मृत्यु) एवं मुख्य चिकित्सा अधिकारी, धर्मशाला से जन्म एवं मृत्यु पंजीकरण ऐक्ट, 1969 की घारा 13(3) के अन्तर्गत चिन्ती देवी विधवा श्री लक्ष्मण, बासी बाड़ी, ग्राम पंचायत बाड़ी, तहसील जसवां कोटला, जिला कांगड़ा (हि० प्र०) आवेदक रिणी केश गर्मा द्वारा शपथ-पत्र सहित दावा किया कि उसकी चिन्ती देवी की मृत्यु दिनांक 10-4-1997 को गांव बाड़ी, ग्राम पंचायत बाड़ी, तहसील जसवां, जिला कांगड़ा (हि० प्र०) में हुई है जोकि सम्बन्धित पंचायत में पंजीकृत न है।

अतः इस राजपत्र द्वारा आम जनता को सूचित किया जाता है कि यदि किसी को उपरोक्त चिन्ती देवी की मृत्यु निधि पंजीकृत किये जाने वाले एतराज हो तो वह अपना एतराज अदालत हज़ा में आकर दिनांक 3-10-2006 को अमानत या वकालत पेश कर सकता है। न अने को मूल में एतराफा कार्यवाही अमल में लाई जा सकती है।

प्रातः दिनांक 14-8-2006 को मेरे हुस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

जगदीश राम,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
जसवां, जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत श्री एस० पी० जसवाल, सहायक समाहर्ता प्रथम श्रेणी,
नूरपुर, जिला कांगड़ा, हिमाचल प्रदेश

छोकी राम बनाम आम जनता

विषय—राजस्व रिकार्ड में उपनाम दर्ज करने वाले आवेदन-पत्र।

नोटिस बनाम आम जनता, मुहाल व भोजा पलोह, तहसील नूरपुर।

प्रार्थी श्री छोकी राम, निवासी पलोह ने आवेदन-पत्र देकर एतराज की है कि उसका नाम उसके मृत्यु रिकार्ड में छोकी राम है और पंचायत के परिशर रजिस्ट्रार में सोबी राम तथा राजस्व रिकार्ड खाना नं० 44, मुहाल पलोह में भोजोकी दर्ज है। जिसमें उसे कठिनाई हो रही है।

यदि किसी व्यक्ति विशेष को प्रार्थी का नाम राजस्व रिकार्ड में भोजोकी के साथ उपनाम छोकी राम (Chhoki Ram) दर्ज करने वाले कोई उजर/एतराज हो तो वह निधि पेशी 5-10-2006

को समय 10 बजे मुबह अमानत या वकालत हाज़र आकर पेश करे अन्यथा कार्रवाई न्याया अमल में लाई जावेगी।

प्रातः दिनांक 17-8-2006 को हमारे हुस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

एस० पी० जसवाल,
सहायक समाहर्ता द्वितीय श्रेणी,
नूरपुर, जिला कांगड़ा (हि० प्र०)।

व अदालत श्री अश्वन कुमार गर्मा (हि० प्र० मे०), उपमण्डलाधिकारी (ना०), निवार स्थित भावानगर, जिला किन्नीर, हिमाचल प्रदेश

श्रीमती मुन्दर देवी बनाम आम जनता

दस्तावेज जेर घारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्रीमती मुन्दर देवी पत्नी श्री पदमवीर, निवासी गांवां, डाकघर कटगांव, तहसील निवार, जिला किन्नीर ने इस न्यायालय में दस्तावेज दाई है कि उसके पुत्र स्व० सुनील कुमार का नाम पंचायत रजिस्ट्रार में नहीं करवाया गया है तथा अब कटवाया जावे। उसके पुत्र की मृत्यु निधि 6-2-2006 है तथा नाम सुनील कुमार है।

अतः इस नोटिस के माध्यम में सम्बन्धित जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त मृत्यु निधि दर्ज करने में कोई आपत्ति हो तो वह दिनांक 4-10-2006 को प्रातः 10 बजे अमानत या वकालत इस अदालत में हाज़िर आकर उजर/एतराज पेश कर सकता है अन्यथा एक तरफा कार्रवाई अमल में लाई जायेगी तथा प्रमाण-पत्र जारी किया जाएगा।

प्रातः दिनांक 4-9-2006 को हमारे हुस्ताक्षर व मोहर सहित अदालत में जारी हुआ।

मोहर।

अश्वन कुमार गर्मा,
उप-मण्डलाधिकारी (ना०),
निवार स्थित भावानगर, जिला किन्नीर,
हिमाचल प्रदेश।

व अदालत श्री भाग चन्द नेत्री, कार्यकारी दण्डाधिकारी, लाहौल स्थान केलांग, जिला लाहौल एंड स्पति, हिमाचल प्रदेश

श्री बागदुई पुत्र श्री तन्जिन फुन्चोग, गांव क्वारिंग, कोठी गुमरंग, तहसील लाहौल, जिला लाहौल एवं स्पति (हि० प्र०)।

बनाम

ग्राम जनता

विषय—ग्राम पंचायत के परिवार रजिस्ट्रार में नाम दर्ज करने वाले।

श्री बागदुई पुत्र श्री तन्जिन फुन्चोग, गांव क्वारिंग, कोठी गुमरंग, तहसील लाहौल ने शपथ-पत्र सहित इस अदालत में आवेदन किया है कि उसकी पुत्रियों जिनके नाम क्रमशः तन्जिन डोलमा व छेरिंग डोलमा की जन्म तिथियां व नाम ग्राम पंचायत गुरनाथ के परिवार रजिस्ट्रार में किसी कारणवश दर्ज नहीं कर सका है, जिन्हें अब दर्ज करवाना चाहता है। तन्जिन डोलमा की जन्म तिथि 10-7-1992 है तथा छेरिंग डोलमा की जन्म तिथि 1-10-1998 है।

अतः इस इशतहार द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि किसी को तन्जिन डोलमा व छेरिंग डोलमा के नाम व जन्म तिथियों को ग्राम पंचायत गुरनाथ के परिवार रजिस्ट्रार में दर्ज करने सम्बन्धी कोई आपत्ति हो तो वह दिनांक 1-10-2006 का वा इससे पूर्व अदालत हज़ा में जाना आपत्ति दर्ज करा सकता

है। इसके उपरान्त कोई भी उजर/एतराज समायत न होगा तथा नियमानुसार इस प्रार्थना-पत्र पर कार्यवाही की जाएगी।

आज दिनांक 1-9-2006 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

भाग चन्द नेगी,
कार्यकारी दण्डाधिकारी,
केलांग, जिला लाहौल एवं स्पिति (हि० प्र०)।

ब अदालत श्री भाग चन्द नेगी, कार्यकारी दण्डाधिकारी, लाहौल स्थान
केलांग, जिला लाहौल एवं स्पिति, हिमाचल प्रदेश

श्री अंगदुई पुत्र श्री रिगजिन, गांव रंगयो, कोठी कोलंग, तहसील
लाहौल, जिला लाहौल एवं स्पिति (हि० प्र०)।

बनाम

ग्राम जनता

विषय.—ग्राम पंचायत के परिवार रजिस्टर में मृत्यु पंजीकरण दर्ज
करने बारे।

श्री अंगदुई पुत्र रिगजिन, गांव रंगयो, कोठी कोलंग, तहसील
लाहौल ने शपथ-पत्र सहित इस अदालत में आवेदन किया है
कि उनकी बहन तन्जिन छोनजोम पुत्री रिगजिन, जोकि अविवाहित
थी की मृत्यु दिनांक 2-5-1998 को हुई थी परन्तु किसी कारण-
वश वह अपनी बहन छोनजोम की मृत्यु का पंजीकरण ग्राम पंचायत
के परिवार रजिस्टर में दर्ज नहीं करा सका, जिसे अब वह दर्ज
करवाना चाहता है।

अतः इस इशतहार द्वारा सर्वसाधारण को सूचित किया जाता
है कि यदि किसी को तन्जिन छोनजोम की मृत्यु का पंजीकरण
ग्राम पंचायत के परिवार रजिस्टर में दर्ज करने सम्बन्धी कोई
आपत्ति हो तो वह दिनांक 1-10-2006 को या इससे पूर्व अदालत
हुजा में अपनी आपत्ति दर्ज करवा सकता है। इसके उपरान्त
कोई भी उजर/एतराज समायत नहीं होगा तथा नियमानुसार इस
प्रार्थना-पत्र पर कार्यवाही की जाएगी।

आज दिनांक 1-9-2006 को मेरे हस्ताक्षर व मोहर अदालत
द्वारा जारी हुआ।

मोहर।

भाग चन्द नेगी,
कार्यकारी दण्डाधिकारी,
केलांग, जिला लाहौल एवं स्पिति (हि० प्र०)।

ब अदालत श्री भाग चन्द नेगी, कार्यकारी दण्डाधिकारी, लाहौल स्थान
केलांग, जिला लाहौल एवं स्पिति, हिमाचल प्रदेश

श्रीमती कुनजोम पत्नी स्वर्गीय श्री रिगजिन, गांव स्टीगरी
कोठी गुमरंग, तहसील लाहौल, जिला लाहौल एवं स्पिति (हि० प्र०)।

बनाम

ग्राम जनता

विषय. ग्राम पंचायत के परिवार रजिस्टर में नाम दर्ज करने
बारे।

श्रीमती कुनजोम पत्नी स्वर्गीय श्री रिगजिन, गांव स्टीगरी,
कोठी गुमरंग, तहसील लाहौल ने शपथ-पत्र सहित इस अदालत में
आवेदन किया है कि ग्राम पंचायत ग्राम पंचायत के परिवार रजिस्टर में
उसका नाम दर्ज नहीं है, जिसे अब वह दर्ज करवाना चाहती है।

अतः इस इशतहार द्वारा सर्वसाधारण को सूचित किया जाता
है कि यदि किसी को कुनजोम पत्नी स्वर्गीय श्री रिगजिन के नाम
को ग्राम पंचायत ग्राम पंचायत के परिवार रजिस्टर में दर्ज
करने सम्बन्धी कोई आपत्ति हो तो वह दिनांक 1-10-2006 को या

इससे पूर्व अदालत हुजा में अपनी आपत्ति दर्ज करवा सकता है।
इसके उपरान्त कोई भी उजर/एतराज समायत नहीं होगा तथा
नियमानुसार इस प्रार्थना-पत्र पर कार्यवाही की जाएगी।

आज दिनांक 1-9-2006 को मेरे हस्ताक्षर व मोहर अदालत
द्वारा जारी हुआ।

मोहर।

भाग चन्द नेगी,
कार्यकारी दण्डाधिकारी,
केलांग, जिला लाहौल एवं स्पिति (हि० प्र०)।

ब अदालत श्री भाग चन्द नेगी, कार्यकारी दण्डाधिकारी लाहौल
स्थान केलांग, हिमाचल प्रदेश

श्री शिव चन्द

बनाम

ग्राम जनता

श्री शिव चन्द पुत्र श्री रामू, गांव तांदी, कोठी तांदी, तहसील
लाहौल, जिला लाहौल एवं स्पिति, हिमाचल प्रदेश ने प्रार्थना-पत्र
एवं शपथ-पत्र सहित अदालत में आवेदन किया है कि उसकी पुत्री
गुरदासी का नाम ग्राम पंचायत तांदी के परिवार रजिस्टर में किसी
कारणवश दर्ज नहीं करवा सका है। जिसे अब दर्ज करवाना चाहता
है।

अतः इस इशतहार द्वारा सर्वसाधारण को सूचित किया जाता
है कि गुरदासी पुत्री श्री शिव चन्द, गांव तांदी के नाम को ग्राम
पंचायत तांदी के परिवार रजिस्टर में दर्ज करने सम्बन्धी कोई आपत्ति
हो तो वह दिनांक 5-10-2006 को या इससे पूर्व अदालत हुजा
में अपनी आपत्ति दर्ज करवा सकता है। तिथि समाप्ति के पश्चात
कोई उजर/एतराज समायत नहीं होगा। तदोपरान्त नियमानुसार
प्रार्थना-पत्र पर कार्यवाही की जाएगी।

आज दिनांक 5-9-2006 को मेरे हस्ताक्षर व मोहर अदालत
द्वारा जारी हुआ है।

मोहर।

भाग चन्द नेगी,
कार्यकारी दण्डाधिकारी,
केलांग, जिला लाहौल एवं स्पिति (हि० प्र०)।

ब अदालत श्री भाग चन्द नेगी, कार्यकारी दण्डाधिकारी, लाहौल
स्थान केलांग, हिमाचल प्रदेश

श्री सोनम

बनाम

ग्राम जनता

श्री सोनम पुत्र श्री शरब, गांव स्वाजंग, कोठी स्वाजंग, तहसील
लाहौल, जिला लाहौल एवं स्पिति, हिमाचल प्रदेश ने शपथ-पत्र
सहित आवेदन किया है कि उसका नाम परिवार रजिस्टर एवं राजस्व
अभिलेख में सोनम दर्ज है जबकि जिला रजिस्ट्रार जन्म एवं मृत्यु
लाहौल-स्पिति के रिकार्ड में छेरिंग अंगरूप है, जोकि सही नाम नहीं
है। अतः सोनम जिला रजिस्ट्रार जन्म एवं मृत्यु के रिकार्ड में भी
सोनम दर्ज करवाना चाहता है।

अतः इस इशतहार द्वारा सर्वसाधारण को सूचित किया जाता
है कि यदि किसी को सोनम के नाम को जिला रजिस्ट्रार जन्म
एवं मृत्यु के रिकार्ड में छेरिंग अंगरूप के स्थान पर सोनम दर्ज करने
सम्बन्धी कोई आपत्ति हो तो वह दिनांक 5-10-2006 को या इससे
पूर्व अदालत हुजा में अपनी आपत्ति दर्ज करवा सकता है। तिथि
समाप्ति के पश्चात कोई उजर/एतराज समायत नहीं होगा। तदोपरान्त
नियमानुसार प्रार्थना-पत्र पर कार्यवाही की जाएगी।

आज दिनांक 5-9-2006 की मेरे हस्ताक्षर व मोहर अदालत
द्वारा जारी हुआ है।

मोहर।

भाग चन्द नेगी,
कार्यकारी दण्डाधिकारी,
केलांग, जिला लाहौल एवं स्पिति (हि० प्र०)।

ब अदालत श्री भाग चन्द नेगी, कार्यकारी दण्डाधिकारी, लाहौल
स्थान केलोंग, हिमाचल प्रदेश

ब अदालत श्री किशोरी लाल, कार्यकारी दण्डाधिकारी, जोगिन्दरनगर,
जिला मण्डी, हिमाचल प्रदेश

ब मुकदमा :—

श्रीमती धैर्यी देवी विधवा स्व० श्री कैहका, निवासी मझारनू,
तहसील जोगिन्दरनगर, जिला मण्डी, हिमाचल प्रदेश ।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण
अधिनियम, 1969.

उपरोक्त प्राथिन श्रीमती धैर्यी देवी विधवा स्व० श्री कैहका,
निवासी मझारनू ने इस अदालत में एक प्रार्थना-पत्र गुजारा
है कि उसका अपना जन्म दिनांक 16-4-1952 को हुआ था,
परन्तु अज्ञानावस्था वह उसकी जन्म तिथि नगर पंचायत के
रिकार्ड में दर्ज न करा सका ।

अतः सर्वसाधारण जनता को इस इशतहार द्वारा सूचित किया जाता
है कि यदि इस बारे किसी को उजर व एतराज हो तो वह
दिनांक 3-10-2006 को प्रातः 10.00 बजे अदालत में अमानतन
या वकालतन हाजिर हो सकता है अन्यथा कार्यवाही एकतरफा अमान
में लाई जायेगी ।

आज दिनांक 24-8-2006 को मेरे हस्ताक्षर व मोहर सहित
जारी हुआ ।

मोहर ।

किशोरी लाल,
कार्यकारी दण्डाधिकारी,
जोगिन्दरनगर, जिला मण्डी, हिमाचल प्रदेश ।

ब अदालत श्री शिव लाल बंसल, नायब तहसीलदार एवं कार्यकारी
दण्डाधिकारी, उप-तहसील औट, जिला मण्डी, हिमाचल प्रदेश

श्री मेहर चन्द पुत्र ठाकरू, निवासी गांव शुषण (टकोली),
मुहाल कोटाधार, उप-तहसील औट, जिला मण्डी, हिमाचल प्रदेश ।

विषय.—नाम की दुस्ती हेतु प्रार्थना-पत्र ।

श्री मेहर चन्द पुत्र ठाकरू, गांव शुषण (टकोली) मुहाल कोटाधार,
उप-तहसील औट, जिला मण्डी, हिमाचल प्रदेश के निवासी ने एक
प्रार्थना-पत्र मय शपथ-पत्र सहित इस अदालत में दायर किया है कि
उसका नाम राजस्व रिकार्ड में मेहर चन्द के बजाए मोहर चन्द व
मोहर सिंह है जो कि गलत है । स्कूल प्रमाण-पत्र में मेहर चन्द है ।
उपरोक्त प्रार्थी ने नाम की दुस्ती किए जाने के आदेश चाहे है ।

अतः ग्राम पंचायत व ग्राम जनता को इस इशतहार द्वारा सूचित किया
जाता है कि उक्त नाम की दुस्ती बारे किसी को कोई उजर या
एतराज हो तो वह दिनांक 4-10-2006 को अमानतन या वकालतन
प्रातः 10.00 बजे न्यायालय में हाजर आकर अपना एतराज पेश कर
सकता है । एतराज/उजर न होने को सूत में मुकदमा का फैसला
नियमानुसार कर दिया जाएगा ।

आज दिनांक 1-9-2006 को मेरे हस्ताक्षर व मोहर अदालत
से जारी हुआ ।

मोहर ।

शिव लाल बंसल,
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
उप-तहसील औट, जिला मण्डी, हिमाचल प्रदेश ।

ब अदालत सहायक सभाहर्ता प्रथम श्रेणी सरकाघाट, जिला मण्डी,
हिमाचल प्रदेश

मुकदमा शीर्षक :

श्री व्यास देव उपनाम व्यास देव पुत्र अञ्जरू, गांव लोगणी,
इलाका कमलाह, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश ।
... फरीकअबल

बनाम

श्री शशी पाल, राजेश कुमार पुत्र व श्रीमती प्रेमलता पुत्री
भीखम राम, गांव लोगणी, डा0 लोगणी, तहसील सरकाघाट, जिला

श्री विक्रान्त उर्फ नोरबू जालछन पुत्र दावा राम, गांव केलोंग कोठी,
मुमरंग, तहसील लाहौल, जिला लाहौल एवं स्थिति, हिमाचल प्रदेश
ने प्रार्थना-पत्र एवं शपथ-पत्र सहित अदालत में आवेदन किया है कि
उसका नाम पंचायत के रजिस्टर में नोरबू जालछन दर्ज है जबकि
अन्य दस्तावेजों में कवल विक्रान्त दर्ज है । अतः अब वह सभी
दस्तावेजों में विक्रान्त उर्फ नोरबू जालछन दर्ज करवाना चाहता है ।

अतः इस इशतहार द्वारा सर्वसाधारण को सूचित किया जाता है
कि यदि किसी को विक्रान्त के नाम को विक्रान्त उर्फ नोरबू जालछन
दर्ज करने सम्बन्धी कोई आपत्ति हो तो वह दिनांक 5-10-2006
को या इससे पूर्व अदालत हुआ में अपनी आपत्ति दर्ज करवा सकता
है । तिथि समाप्ति के पश्चात कोई उजर/एतराज ममायत नहीं होगा ।
तदीपरान्त नियमानुसार प्रार्थना-पत्र पर कार्यवाही की जाएगी ।

आज दिनांक 5-10-2006 को मेरे हस्ताक्षर व मोहर अदालत
द्वारा जारी हुआ है ।

मोहर ।

भाग चन्द नेगी,
कार्यकारी दण्डाधिकारी,
केलोंग, जिला लाहौल एवं स्थिति (हि० प्र०) ।

ब अदालत श्री शुभकरण सिंह (हि० प्र० से०), उप-मण्डल दण्डाधिकारी
उदयपुर, जिला लाहौल स्थिती, हिमाचल प्रदेश

श्री नावांग फुचोंग पुत्र श्री रूप चन्द, गांव चांगुट, उप-तहसील उदयपुर,
जिला लाहौल स्थिती (हि० प्र०) ।

बनाम

ग्राम जनता

नाम दुरुस्ती करवाने बारे :

श्री नावांग फुचोंग पुत्र श्री रूप चन्द, गांव चांगुट, उप-तहसील उदयपुर,
जिला लाहौल स्थिती ने एक आवेदन-पत्र शपथ-पत्र सहित इस अदालत में
प्रस्तुत किया है जिसमें उसने उल्लेख किया है कि उसका नाम राजस्व
कागजात के मुताबिक नावांग फुचोंग पुत्र श्री रूप चन्द लिखा गया
है जबकि ग्राम पंचायत तिगरट में टशी फुचोंग पुत्र रूप चन्द लिखा
गया है । प्रार्थी का पिता अनपढ़ एवं देहाती होने के कारण प्रार्थी के
पैदाईश दौरान प्रार्थी का नाम ग्राम पंचायत तिगरट के परिवार रजिस्टर
में टशी फुचोंग लिखवाया है । प्रार्थी का असल नाम नावांग फुचोंग है
अब प्रार्थी ग्राम पंचायत तिगरट के परिवार रजिस्टर में अपना नाम
नावांग फुचोंग करवाना चाहता है ।

अतः इस नोटिस द्वारा समस्त जनता एवं सम्बन्धित रिस्तेदारों को
सूचित किया जाता है कि इस सम्बन्ध में कोई उजर व एतराज हो तो वह
दिनांक 30-9-2006 तक अमानतन या वकालतन इस अदालत में
हाजर आकर अपना उजर पेश कर सकता है अन्यथा मुताबिक
शपथ-पत्र ग्राम पंचायत तिगरट के परिवार रजिस्टर में टशी फुचोंग
के स्थान पर नावांग फुचोंग दर्ज करने का आदेश पारित कर दिया
जायेगा ।

आज दिनांक 24-8-2006 को मेरे हस्ताक्षर व मोहर अदालत
से जारी हुआ ।

मोहर ।

शुभकरण सिंह,
उप-मण्डलदण्डाधिकारी उदयपुर,
जिला लाहौल स्थिती (हि० प्र०) ।

मण्डी, बाबी राम पुत्र व लता देवी, कमला देवी पुत्री व श्रीमती चैत्र देवी विधवा गंगा राम, गांव हुक्कल, काली दास, भूटू राम पुत्र व श्रीमती मनचल देवी विधवा मुसाफिर, गांव खैलग, राजकुमार, बचित्र सिंह पुत्र व श्रीमती सजिता देवी पुत्री भाग सिंह, निवासी खैलग, मनोज कुमार पुत्र व शीला देवी, बबली, रजनी देवी पुत्री व श्रीमती मनशा देवी विधवा रोशन लाल, गांव खैलग, रमेश चन्द, सुरेश चन्द पुत्र हरिया, गांव खैलग, प्रभा पुत्र डोडा, गांव खैलग, दुर्गा पुत्र सोटा, जयसिंह पुत्र व रीता देवी, बबली देवी पुत्री व श्रीमती कौशल्या देवी विधवा लशकरी, गांव लोणणी, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

फरीक दोयम।

विषय — प्रार्थना-पत्र तकसीम भूमि खाता/खतोनी नं० 20/68 ता 73, रकबा तादादी 0-56-65 है०, बाक्या मुहाल खैलग, इ० कमलाह।

प्रार्थी ने इस न्यायालय में भूमि खाता/खतोनी नं० 20/68 ता 73, रकबा तादादी 0-56-65 है०, बाक्या मुहाल खैलग, इ० कमलाह, की तकसीम हेतु प्रार्थना-पत्र तकसीम प्रस्तुत किया है। फरीकदोयम को इस न्यायालय द्वारा कई बार समन जारी किये गये परन्तु समनो की तामील फरीकदोयम को साधारण तरीके से नहीं हो पा रही है। अब अदालत को पूर्ण विश्वास हो गया है कि फरीकदोयम को साधारण तरीके से समनो की तामील नहीं हो सकती है। अतः फरीकदोयम को इस इशतहार द्वारा सूचित किया जाता है कि वह दिनांक 5-10-2006 को प्रातः दस बजे असालतन या बकालतन हाजिर होकर मुकद्मा की पैरवी करे अन्यथा गैर हाजरी की सूरत में कार्य-वाही एकाक्षीय प्रमल में लाई जावेगी।

आज दिनांक 2-8-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-

सहायक समाहर्ता प्रथम श्रेणी,
सरकाघाट, जिला मण्डी, हिमाचल प्रदेश।

न्यायालय सहायक समाहर्ता प्रथम श्रेणी, सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

मुकद्मा शीर्षक :—

सर्वश्री राम रथ, प्रकाश चन्द, सिखी राम सुपुत्र व प्रेमी देवी, मंजुला देवी, पुत्रियां व सन्ती देवी, पत्नी लच्छमण, निवासी तताहर, ईलाका मुरांगा, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश।

फरीक अब्बल।

बनाम

सर्वश्री शमशेर सिंह, सुरजीत सिंह, अशोक कुमार सुपुत्र हजारा राम, जय सिंह, खूब सिंह, तुलसी राम, बन्सी लाल, जगत राम, पुत्रगण मुन्दर, निवासी तताहर, सन्ध्या देवी पत्नी श्री जगदीश चन्द, रेलु राम सुपुत्र श्री डगणू, इन्दर देवी, सरस्वती देवी, गायत्री देवी पुत्रियां प्रसीनू चिन्नु, कलासी, रहन्नु, नगरजी, सन्ती, सत्या पुत्रियां, अच्छरी, निवासी जरल, नन्द लाल, परस राम, पुत्रगण गोविन्द राम, निवासी जरल, बदरी दत्त सुपुत्र लाल, निवासी जकूण सुरेन्द्र पाल सुपुत्र मोहन, निवासी सघोट, ईलाका अन्तपुर, कृष्ण चन्द सुपुत्र श्री कपिल देव, निवासी भलवाण ईलाका अन्तपुर, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश।

फरीकदोयम।

विषय :— प्रार्थना-पत्र तकसीम खाता/खतोनी नम्बर 99/127, खसरा नम्बर, 1476 रकबा तादादी 0-48-46 हेक्टेयर बाक्या मुहाल बरच्छवाड/284

प्रार्थी ने इस न्यायालय में भूमि खाता/खतोनी नम्बर 99/127, खसरा नम्बर, 1476, रकबा तादादी 0-48-46 हेक्टेयर बाक्या मुहाल बरच्छवाड/284 की तकसीम हेतु प्रार्थना-पत्र प्रस्तुत किया है फरीकदोयम को इस न्यायालय से कई बार समन जारी किये गए परन्तु उन पर साधारण तरीके से समन की तामील नहीं हो पा रही है। अब अदालत को विश्वास हो गया है कि फरीकदोयम को साधारण ढंग से तामील नहीं हो सकती है। अतः फरीकदोयम को इस इशतहार द्वारा सूचित किया जाता है कि दिनांक 4-10-2006

को प्रातः दस बजे असालतन या बकालतन हाजिर आकर पैरवी मुकद्मा करें अन्यथा गैर हाजरी की सूरत में कार्यवाही एक पक्षीय अमल में लाई जायेगी।

आज दिनांक 7-8-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-

सहायक समाहर्ता, प्रथम श्रेणी
सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

न्यायालय सहायक समाहर्ता प्रथम श्रेणी सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

मुकद्मा शीर्षक:

सर्व श्री राम रथ, प्रकाश चन्द, सिखी राम सुपुत्र व प्रेमी देवी, मंजुला देवी पुत्रियां व सन्ती देवी पत्नी लच्छमण, निवासी तताहर, ईलाका मुरांगा, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश।

... फरीक अब्बल

बनाम

सर्व श्री शमशेर सिंह सुपुत्र श्री हजारा, सुरजीत सिंह, अशोक कुमार सुपुत्र श्री हजारा राम जय सिंह, खूब राम, तुलसी राम, बन्सी लाल, जगत राम सुपुत्रगण, मुन्दर निवासी तताहर, सन्ध्या देवी, पत्नी जगदीश चन्द, रेलु राम सुपुत्र डगणू, इन्दर देवी, सरस्वती देवी, गायत्री देवी, पुत्रियां प्रसीनू, चिन्नु, कलासी, रहन्नु, नगरजी, सन्ती, सत्या पुत्रियां, अच्छरी निवासी जरल, नन्द लाल, परस राम, पुत्रगण गोविन्द निवासी जरल, बदरी दत्त सुपुत्र लाल निवासी जकूण, सुरेन्द्र पाल सुपुत्र मोहन निवासी सघोट तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश।

... फरीक दोयम

विषय :— प्रार्थना-पत्र तकसीम खाता/खतोनी नं० 98/126 किता 3, रकबा तादादी 0-05-18, हेक्टेयर, बाक्या मुहाल व रच्छवाड/284.

प्रार्थी ने इस न्यायालय में भूमि खाता/खतोनी नं० 98/126, किता 3, रकबा तादादी 0-05-18 हेक्टेयर बाक्या मुहाल बरच्छवाड/284 की तकसीम हेतु प्रार्थना-पत्र प्रस्तुत किया है। फरीकदोयम को इस न्यायालय से कई बार समन जारी किये गये परन्तु उन पर साधारण तरीके से समन की तामील नहीं हो पा रही है। अब अदालत को विश्वास हो गया है कि फरीकदोयम को साधारण ढंग से समनो की तामील नहीं हो सकती है। अतः फरीकदोयम को इस इशतहार द्वारा सूचित किया जाता है कि दिनांक 4-10-2006 को प्रातः दस बजे असालतन या बकालतन हाजिर आकर पैरवी मुकद्मा करें अन्यथा गैर हाजरी की सूरत में कार्यवाही एक पक्षीय अमल में लाई जायेगी।

आज दिनांक 7-8-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-

सहायक समाहर्ता, प्रथम श्रेणी सरकाघाट,
जिला मण्डी, हिमाचल प्रदेश।

ब अदालत श्री पंकज राय, स्पेशल मैरिज अधिकारी (एस० डी० एस०), मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश

व मुकद्मा :

(1) श्री मनोज कुमार सुपुत्र श्री हरी दाम निवासी नवाही, डाकघर नवाही, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश हाल निवासी चोमान, डाकघर पुराना बाजार, तहसील मुन्दरनगर।

(2) श्रीमती रेनु कुमारी सुपुत्री श्री लाल सिंह, निवासी नैन डाकघर गोपालपुर, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश प्राचीण।

बनाम

प्रतिवादीगण।

प्रार्थना-पत्र जेर धारा 15 स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत विवाह पंजीकरण करने बारे

उपरोक्त मामले में प्राचीण उपरोक्त ने दिनांक 24-5-2006 को इस अदालत में प्रार्थना-पत्र पेश किया है कि उन्होंने दिनांक 23-5-2006 को हिन्दू रीति-रिवाज के अनुसार स्थान दरोडा माना मन्दिर में शादी कर ली है और तब से पति-पत्नी के रूप में रहते चले आ रहे हैं। इसलिए जेरधारा 15 स्पेशल मैरिज ऐक्ट, 1954 के अनुसार उनका विवाह पंजीकृत किया जावे।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी भी व्यक्ति को इस द्वारा कोई उजर/एतराज हो तो वह दिनांक 30-9-2006 को समय 10:00 बजे सुबह या इससे पूर्व असालतन या वकालतन हाजिर अदालत होकर पेश करें अन्यथा दीगर कार्यवाही एक तरफा अमल में लाई जायेगी।

आज दिनांक 30-8-2006 को हमारे हस्ताक्षर व मोहर न्यायालय से जारी किया गया।

मोहर।

पंकज राय,

स्पेशल मैरिज अधिकारी (एस0 डी0 एम0)

मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश।

व अदालत श्री पंकज राय, स्पेशल मैरिज अधिकारी (एस0 डी0 एम0), मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश

व मुकद्दमा

(1) श्री राकेश कुमार चौधरी सुपुत्र श्री आर0 एल0 चौधरी, निवासी जरल, डाकघर जुगाहन, तहसील मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश।

(2) श्रीमती कंचन कौर सुपुत्री श्री हिम्मत सिंह, निवासी पुरतियाला, डाकघर कोहला, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश प्राचीण।

बनाम

आम जनता

प्रतिवादीगण।

प्रार्थना-पत्र जेर धारा 15 स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत विवाह पंजीकरण करने बारे।

उपरोक्त मामले में प्राचीण उपरोक्त ने दिनांक 21-4-2006 को इस अदालत में प्रार्थना-पत्र पेश किया है कि उन्होंने दिनांक 25-2-2004 को हिन्दू रीति-रिवाज के अनुसार स्थान जरल में शादी कर ली है और तब से पति-पत्नी के रूप में रहते चले आ रहे हैं। इसलिए धारा जेर 15 स्पेशल मैरिज ऐक्ट, 1954 के अनुसार उनका विवाह पंजीकृत किया जावे।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी भी व्यक्ति को इस द्वारा कोई उजर/एतराज हो तो वह दिनांक 30-9-2006 को समय 10:00 बजे सुबह या इससे पूर्व असालतन या वकालतन हाजिर अदालत होकर पेश करें अन्यथा दीगर कार्यवाही एक तरफा अमल में लाई जायेगी।

आज दिनांक 30-8-2006 को हमारे हस्ताक्षर व मोहर न्यायालय से जारी किया गया।

मोहर।

पंकज राय,

स्पेशल मैरिज अधिकारी (एस0 डी0 एम0),

मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश।

व अदालत श्री पंकज राय, स्पेशल मैरिज अधिकारी (एस0 डी0 एम0), मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश

व मुकद्दमा

(1) श्री नीरज गुप्ता, सुपुत्र श्री सीता राम गुप्ता, निवासी पुराना बाजार, डाकघर पुराना बाजार, तहसील मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश।

(2) श्रीमती तसीमा गन्डोता, सुपुत्री श्री रमेश गन्डोता, निवासी पुराना बाजार, डाकघर पुराना बाजार, तहसील मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश प्राचीण।

बनाम

आम जनता

प्रतिवादीगण।

प्रार्थना-पत्र जेर धारा 15 स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत विवाह पंजीकरण करने बारे।

उपरोक्त मामले में प्राचीण उपरोक्त ने दिनांक 2-6-2006 को इस अदालत में प्रार्थना-पत्र पेश किया है कि उन्होंने दिनांक 22-1-2006 को हिन्दू रीति-रिवाज के अनुसार स्थान बी0 एस0 एल0 कलौनी में शादी कर ली है, और तब से पति-पत्नी के रूप में रहते चले आ रहे हैं। इसलिए जेर धारा 15 स्पेशल मैरिज ऐक्ट, 1954 के अनुसार उनका विवाह पंजीकृत किया जावे।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी भी व्यक्ति को इस द्वारा कोई उजर/एतराज हो तो वह दिनांक 30-9-2006 को समय 10:00 बजे सुबह या इससे पूर्व असालतन या वकालतन हाजिर अदालत होकर पेश करें अन्यथा दीगर कार्यवाही एक तरफा अमल में लाई जायेगी।

आज दिनांक 30-8-2006 को हमारे हस्ताक्षर व मोहर न्यायालय से जारी किया गया।

मोहर।

पंकज राय,

स्पेशल मैरिज अधिकारी (एस0 डी0 एम0),

मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश।

व अदालत श्री पंकज राय, स्पेशल मैरिज अधिकारी (एस0 डी0 एम0) मुन्दरनगर-1, जिला मण्डी, हिमाचल प्रदेश।

व मुकद्दमा:

(1) श्री अमित गुप्ता सुपुत्र श्री सुरेश गुप्ता, निवासी देहरी, डाकघर मुन्दरनगर, तहसील मुन्दरनगर-1, जिला मण्डी, हिमाचल प्रदेश।

(2) श्रीमती हबी गुप्ता सुपुत्री श्री ईश्वर चन्द गुप्ता, निवासी देहरी, डाकघर मुन्दरनगर, तहसील मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश प्राचीण।

बनाम

आम जनता

प्रतिवादीगण

प्रार्थना-पत्र जेर धारा 15 स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत विवाह पंजीकरण करने बारे।

उपरोक्त मामले में प्राचीण उपरोक्त ने दिनांक 27-7-2006 को इस अदालत में प्रार्थना-पत्र पेश किया है कि उन्होंने दिनांक 11-8-2005 को हिन्दू रीति रिवाज से अनुसार अपने निवास स्थान में शादी कर ली है और तब से पति-पत्नी के रूप में रहते चले आ रहे हैं। इसलिए जेर धारा 15 स्पेशल मैरिज ऐक्ट, 1954 के अनुसार उनका विवाह पंजीकृत किया जावे।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है, कि यदि किसी भी व्यक्ति को इस द्वारा कोई उजर/एतराज हो तो वह दिनांक 3-10-2006 को समय 10:00 बजे सुबह या इससे पूर्व

असालतन या वकालतन हाजिर अदालत होकर पेश करे। अन्यथा दीगर कार्यवाही एक तरफा अमल में लाई जायेगी।

आज दिनांक 30-8-2006 को हमारे हस्ताक्षर व मोहर न्यायालय से जारी किया गया।

मोहर।

पंकज राय,
स्पेशल मैरिज अधिकारी, (एस0 डी0 एम0),
मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश।

ब अदालत श्री पंकज राय, स्पेशल मैरिज अधिकारी (एस0 डी0 एम0),
मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश

ब मुकद्मा :

(1) श्री समरजीत जम्बाल, सुपुत्र श्री मुशील कुमार जम्बाल,
निवासी इन्दिरा निवास (सलाह) डाकघर मुन्दरनगर-1, तहसील
मुन्दरनगर, जिला मण्डी (हि0 प्र0)।

(2) श्रीमती मुक्ता राय सुपुत्री श्री भूपेन्द्र राम, निवासी गान्धी
चोक, डाकघर मण्डी, तहसील सदर, जिला मण्डी, हिमाचल प्रदेश।

बनाम

आम जनता

प्रतिवादीगण

प्रार्थना-पत्र जेर धारा 15 स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत
बिवाह पंजीकरण करने बारे।

उपरोक्त मामले में प्रार्थीगण उपरोक्त ने दिनांक 12-5-2006
को इस अदालत में प्रार्थना-पत्र पेश किया है कि उन्होंने दिनांक
2-3-2006 को हिन्दू रीति रिवाज के अनुसार स्थान टारना मन्दिर
मण्डी में शादी कर ली है और तब से पति-पत्नी के रूप में रहने
चले आ रहे हैं। इसलिए जेर धारा 15 स्पेशल मैरिज ऐक्ट,
1954 के अनुसार उनका विवाह पंजीकृत किया जावे।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है,
कि यदि किसी भी व्यक्ति को इस बारे कोई उजर/एतराज हो तो
वह दिनांक 3-10-2006 को समय 10.00 बजे सुबह या इससे पूर्व
असालतन या वकालतन हाजिर अदालत होकर पेश करे। अन्यथा
दीगर कार्यवाही एक तरफा अमल में लाई जायेगी।

आज दिनांक 30-8-2006 को हमारे हस्ताक्षर व मोहर न्यायालय
से जारी किया गया।

पंकज राय,
स्पेशल मैरिज अधिकारी, (एस0 डी0 एम0),
मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश।

ब अदालत श्री पंकज राय, स्पेशल मैरिज अधिकारी (एस0
डी0 एम0), मुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश।

ब मुकद्मा :

(1) श्री कमल किशोर सुपुत्र श्री रघू राम गुप्ता, निवासी पुराना
बाजार, डाकघर पुराना बाजार तहसील मुन्दरनगर, जिला मण्डी,
हिमाचल प्रदेश।

(2) श्रीमती तनु गुप्ता सुपुत्री श्री रवीन्द्र कुमार, निवासी पुराना
बाजार, डाकघर पुराना बाजार, तहसील मुन्दरनगर, जिला मण्डी,
हिमाचल प्रदेश।

बनाम

आम जनता

प्रतिवादीगण।

प्रार्थना-पत्र जेर धारा 15 स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत विवाह
पंजीकरण करने बारे।

उपरोक्त मामले में प्रार्थीगण उपरोक्त ने दिनांक 27-6-2006
को इस अदालत में प्रार्थना-पत्र पेश किया है कि उन्होंने दिनांक

10-5-2005 को हिन्दू रीति रिवाज के अनुसार स्थान पुराना बाजार में
शादी कर ली है और तब से पति-पत्नी के रूप में रहते चले आ रहे हैं।
इसलिए जेर धारा 15 स्पेशल मैरिज ऐक्ट, 1954 के अनुसार उनका
विवाह पंजीकृत किया जावे।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है, कि
यदि किसी भी व्यक्ति को इस बारे कोई उजर/एतराज हो तो वह
दिनांक 30-9-2006 को समय 10.00 बजे सुबह या इससे पूर्व असालतन
या वकालतन हाजिर अदालत होकर पेश करें। अन्यथा दीगर कार्यवाही
एक तरफा अमल में लाई जायेगी।

आज दिनांक 30-8-2006 को हमारे हस्ताक्षर व मोहर न्यायालय
से जारी किया गया।

मोहर।

पंकज राय,
स्पेशल मैरिज अधिकारी, (एस0 डी0 एम0),
मुन्दरनगर, जिला मण्डी (हि0 प्र0)।

ब अदालत श्री जोगिन्द्र पटियाल, नायब तहसीलदार एवं सहायक
समाहर्ता (द्वितीय श्रेणी), सन्धोल, जिला मण्डी, हिमाचल प्रदेश

श्री प्यारे लाल पुत्र श्री लच्छमी दास, निवासी भूर, डाकघर
मण्डी, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश।

बनाम

आम जनता

उनवान मुकद्मा : प्रार्थना-पत्र नाम दस्तुती।

श्री प्यारे लाल पुत्र श्री लच्छमी दास, निवासी भूर, डाकघर
मण्डी, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश ने एक
प्रावेदन-पत्र, शपथ-पत्र सहित इस कार्यालय में प्रस्तुत किया है,
जिसमें उसने उल्लेख किया है कि मुहाल भूर व मुहाल बढोहल,
उप-तहसील सन्धोल के राजस्व रिकार्ड में मेरा नाम प्यार चन्द
पुत्र लच्छमी दास गलत दर्ज किया गया है जबकि प्रार्थी का नाम
प्यारे लाल है।

अतः इस नोटिस द्वारा आम जनता स्वयं समस्त रिश्तेदारों
को सूचित किया जाता है कि यदि किसी भी व्यक्ति को उपरोक्त
नाम राजस्व अभिलेख में दस्तुती करवाने में कोई उजर व एतराज
हो तो वह दिनांक 5-10-2006 को असालतन या वकालतन इस
कार्यालय में हाजिर होकर अपना उजर प्रस्तुत कर सकता है।
अन्यथा मृताविक शपथ-पत्र के प्रार्थी का नाम राजस्व अभिलेख
में दस्तुत करने के प्रादेश पारित कर दिया जाएगा।

आज दिनांक 17-8-2006 को मेरे हस्ताक्षर व मोहर अदालत
से जारी हुआ।

मोहर।

जोगिन्द्र पटियाल,
नायब तहसीलदार एवं सहायक समाहर्ता,
द्वितीय श्रेणी, सन्धोल, जिला मण्डी (हि0 प्र0)।

ब अदालत श्री जोगिन्द्र पटियाल, नायब तहसीलदार एवं कार्यकारी
दण्डाधिकारी, सन्धोल, जिला मण्डी, हिमाचल प्रदेश

श्री रमेश चन्द पुत्र श्री अश्वन्त सिंह, निवासी कोटूवा, डाकघर
कोटूवा, उप-तहसील सन्धोल, जिला मण्डी, हिमाचल प्रदेश

बनाम

आम जनता

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम,
1969.

श्री रमेश चन्द पुत्र श्री अश्वन्त सिंह, निवासी कोटूवा, डाकघर
कोटूवा, उप-तहसील सन्धोल ने इस अदालत में प्रार्थना-पत्र गुजारा

रखा है कि मेरी बारी श्रीमती महन्ती देवी पत्नी श्री प्रणोम की मृत्यु दिनांक 10-10-2001 का हुई थी। परन्तु अज्ञानता वश उसकी मृत्यु तिथि ग्राम पंचायत कोठवा के रिकार्ड में दर्ज नहीं करवा सका था।

प्रतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को कोई एतराज हो तो वह दिनांक 5-10-2006 को असावन या वकालत प्रातः 10 बजे हाजिर भ्रदालत होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात कोई प्रार्थना प्राप्त न होने की सूचना में प्रार्थना-पत्र श्री रमेश चन्द पर नियमानुसार कार्यवाही की जायेगी।

आज दिनांक 17-8-2006 को मेरे हस्ताक्षर व मोहर भ्रदालत में जारी हुआ।

मोहर।

जोगिन्द्र पटियाल,
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
मन्धोल, जिला मण्डी (हि० प्र०)।

ब भ्रदालत श्री जोगिन्द्र पटियाल, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी मन्धोल, जिला मण्डी, हिमाचल प्रदेश

श्री इन्द्र सिंह पुत्र श्री ठाकर दास, निवासी नेरी (बोहल), डाकघर मन्धोल, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री इन्द्र सिंह पुत्र श्री ठाकर दास, निवासी नेरी (बोहल), डाकघर मन्धोल, तहसील सरकाघाट, जिला मण्डी ने इस भ्रदालत में प्रार्थना-पत्र भुजार रखा है कि मेरे पिता श्री ठाकर दास पुत्र श्री हिरा, की मृत्यु दिनांक 5-5-1992 को हुई थी। परन्तु अज्ञानता वश उसकी मृत्यु तिथि ग्राम पंचायत मन्धोल/नेरी के रिकार्ड में दर्ज नहीं करवा सका था।

प्रतः सर्वसाधारण एवं सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त मृत्यु की तिथि 5-5-1992 दर्ज होने बारे एतराज हो तो वह अपना एतराज असावन या वकालत हाजिर भ्रदालत आकर दिनांक 5-10-2006 को प्रातः 10 बजे पेश कर सकता है अन्यथा उक्त की मृत्यु तिथि 5-5-1992 को सम्बन्धित पंचायत में दर्ज करने के आदेश जारी कर दिये जाएंगे।

आज दिनांक 17-8-2006 को मेरे हस्ताक्षर व मोहर भ्रदालत में जारी हुआ।

मोहर।

जोगिन्द्र पटियाल,
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
मन्धोल, जिला मण्डी (हि० प्र०)।

ब भ्रदालत श्री जोगिन्द्र पटियाल, नायब तहसीलदार एवं सहायक समाहर्ता (द्वितीय श्रेणी) मन्धोल, जिला मण्डी, हिमाचल प्रदेश

श्रीमती मीरा देवी पत्नी श्री भूप सिंह, निवासी नखालका, डाक-खाना कमलाह, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश।

बनाम

ग्राम जनता

उनवान मुकद्दमा : प्रार्थना-पत्र नाम दस्तुती।

श्रीमती मीरा देवी पत्नी श्री भूप सिंह, निवासी नखालका, डाकखाना कमलाह, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

ने एक आवेदन-पत्र जपन पत्र सहित इस कार्यालय में प्रस्तुत किया है कि मुहायक यन्त्रालका व मुहायक कमलाह, उप-तहसील मन्धोल क राजस्व रिकार्ड में मेरे पति का नाम म्याय राम पुत्र श्री हरि सिंह गलत दर्ज किया गया है जबकि मेरे पति का सही नाम भप सिंह है।

अतः इस नोटिस द्वारा ग्राम जनता एवं ममस्त रिश्तेदारों को सूचित किया जाता है कि यदि किसी भी व्यक्ति को उपरोक्त नाम राजस्व अभिलेख में दस्तुती करवाने में कोई उजर व एतराज हो तो वह दिनांक 5-10-2006 को असावन या वकालत इस कार्यालय में हाजिर होकर अपना उजर प्रस्तुत कर सकता है। अन्यथा म्या-बिक जपन-पत्र के प्रार्थी का नाम राजस्व अभिलेख में दस्तुत करने के आदेश पारित कर दिया जाएगा।

आज दिनांक 17-8-2006 को मेरे हस्ताक्षर व माहर भ्रदालत में जारी हुआ।

मोहर।

जोगिन्द्र पटियाल,
नायब तहसीलदार एवं महायक समाहर्ता द्वितीय श्रेणी,
मन्धोल, जिला मण्डी (हि० प्र०)।

ब भ्रदालत श्री जोगिन्द्र पटियाल, नायब तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी मन्धोल, जिला मण्डी, हिमाचल प्रदेश

उनवान मुकद्दमा नाम दस्तुती तारीख पेशी 5-10-2006

श्री ध्रुव चन्द पुत्र श्री सुन्दर सिंह, निवासी बल्याली, डाकघर मन्धोल, उप-तहसील मन्धोल, जिला मण्डी, हिमाचल प्रदेश।

बनाम

ग्राम जनता

विषय : नाम दस्तुती बारे।

श्री ध्रुव चन्द पुत्र श्री सुन्दर सिंह, निवासी बल्याली, डाकघर मन्धोल, जिला मण्डी, हिमाचल प्रदेश ने भ्रदालत हुआ में प्रार्थना-पत्र भप म्याय हल्की पेश किया है कि मेरे लड़के का नाम ग्राम पंचायत साहर के जन्म रजिस्टर में तथा स्कूल के प्रमाण-पत्र में धीरज मंडोला है। मैं एक भूतपूर्व सैनिक हूँ और मेरे सैनिक के दस्तावेज में मेरे लड़के का नाम गलती से धीरज मंडोला दर्ज है जो सही नहीं है। मेरे लड़के का सही नाम धीरज नाम धीरज मंडोला है इसकी दस्तुती बारे हिमाचल प्रदेश के राजपत्र में प्रकाशित करने की कृपा करें।

प्रतः इस इशतहार द्वारा ग्राम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त नाम दस्तुती करने बारे कोई उजर या एतराज हो तो वह असावन या वकालत तारीख पेशी 5-10-2006 को सुबह दस बजे हाजिर भ्रदालत होकर अपना उजर पेश कर सकता है। बसूरत और हाजिर एक-तरफा कार्यवाही भ्रमन में लाई जाकर नाम दस्तुती के आदेश पारित कर दिया जाएगा।

आज दिनांक 22-8-2006 को मेरे हस्ताक्षर व मोहर भ्रदालत में जारी हुआ।

मोहर।

जोगिन्द्र पटियाल,
नायब तहसीलदार एवं महायक समाहर्ता द्वितीय श्रेणी,
मन्धोल, जिला मण्डी, हिमाचल प्रदेश।

ब भ्रदालत श्री के० एस० लाट्टा, कार्यकारी दण्डाधिकारी नाहन, जिला सिरमौर, हिमाचल प्रदेश

मिसल नम्बर 28/06

उनवान मुकद्दमा

धीरज भ्रदालत पुत्र श्री मनोली कुमार, निवासी नया बाजार नाहन, जिला सिरमौर (हि० प्र०)।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

इशतहार.

इस अदालत में श्री धीरज अग्रवाल दार्षी ने एक नालिस प्रस्तुत की है कि उसके पुत्र दीपिक अग्रवाल की जन्म तिथि 8-1-2004 है जोकि नगर परिषद् नाहन के कार्यालय में दर्ज नहीं है। इस बारे में ग्राम पंचायत एवं विकास अधिकारी/कार्यकारी अधिकारी नगर परिषद् नाहन से रिपोर्ट प्राप्त की गई की उपरोक्त जन्म तिथि उनके कार्यालय में दर्ज नहीं है।

अतः बजरीया इस इशतहार में समस्त ग्राम जनता नगर परिषद् नाहन दार्षी के रिश्तेदारों को सूचित किया जाता है कि उक्त जन्म तिथि श्री दीपिक अग्रवाल के दर्ज होने वाले कोई उजर व एतराज हो तो वह असालतन या बकालतन अपना उजर व एतराज दिनांक 4-10-2006 को प्रातः 10.00 बजे प्रस्तुत कर सकता है। बाद गुजरने मियाद तारीख कोई भी उजर व एतराज काबले समायत न होगा तथा प्रकरण पर अन्तिम आदेश पारित कर दिये जाएंगे।

आज दिनांक 22-8-2006 को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

के.0. एस.0 लाल्टा,
कार्यकारी दण्डाधिकारी,
नाहन, जिला सिरमौर (हि.0 प्र.0)।

व अदालत श्री के.0 एस.0 लाल्टा, कार्यकारी दण्डाधिकारी, नाहन, जिला सिरमौर, हिमाचल प्रदेश

मिसल नम्बर 29/06

उनवान मुकद्दमा :

श्रीमती कमलेश पत्नी श्री राजेन्द्र प्रसाद, निवासी रामकूण्डी, तहसील नाहन, जिला सिरमौर (हि.0 प्र.0)।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

इशतहार

इस अदालत में श्रीमती कमलेश प्रार्थन ने एक नालिस प्रस्तुत की है कि उसके ससुर श्री गेर बहादुर पुत्र जपन सिंह की मृत्यु तिथि 12-6-2005 को हुई है। जोकि नगर परिषद् नाहन के कार्यालय में दर्ज नहीं है। इस बारे में ग्राम पंचायत एवं विकास अधिकारी/कार्यकारी अधिकारी नगर परिषद् नाहन से रिपोर्ट प्राप्त की गई कि उपरोक्त मृत्यु उनके कार्यालय में दर्ज नहीं है।

अतः बजरीया इशतहार के सम्मन ग्राम जनता नगर परिषद् नाहन प्रार्थन के रिश्तेदारों को सूचित किया जाता है कि उक्त मृत्यु तिथि श्री गेर बहादुर के दर्ज होने वाले कोई उजर व एतराज हो तो वह असालतन या बकालतन अपना उजर व एतराज दिनांक 4-10-2006 को प्रातः 10.00 बजे प्रस्तुत कर सकता है। बाद गुजरने मियाद तारीख कोई भी उजर व एतराज काबले समायत नहीं होगा तथा प्रकरण में अन्तिम आदेश पारित कर दिये जाएंगे।

आज दिनांक 22-8-2006 को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

के.0 एस.0 लाल्टा,
कार्यकारी दण्डाधिकारी,
नाहन, जिला सिरमौर (हि.0 प्र.0)।

व अदालत श्रीमती अमिता महाजन, उप-मण्डल दण्डाधिकारी, पांवटा साहिब, जिला सिरमौर हिमाचल प्रदेश

श्री बलवीर सिंह पुत्र श्री नरंजन सिंह, निवासी अकालगढ़, तहसील पांवटा साहिब, जिला सिरमौर (हि.0 प्र.0)।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री बलवीर सिंह पुत्र श्री नरंजन निवासी अकालगढ़ ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उसके लड़के अमनदीप सिंह का जन्म दिनांक 19-6-2000 को प्रातः 10.00 बजे अदालत हुआ स्थित पांवटा में असालतन या बकालतन हाजिर आकर दर्ज करा सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने की शर्त में प्रार्थना-पत्र श्री बलवीर सिंह पर नियमानुसार कार्यवाही की जाएगी।

अतः सर्वसाधारण को इस इशतहार के माफत सूचित किया जाता है कि इस बारे में किसी को कोई उजर/एतराज हो तो वह दिनांक 2-10-2006 को प्रातः 10.00 बजे अदालत हुआ स्थित पांवटा में असालतन या बकालतन हाजिर आकर दर्ज करा सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने की शर्त में प्रार्थना-पत्र श्री बलवीर सिंह पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 2-9-2006 को मेरे हस्ताक्षर व कार्यालय मोहर अदालत द्वारा जारी किया गया।

मोहर।

अमिता महाजन,
उप-मण्डल दण्डाधिकारी,
पांवटा साहिब, जिला सिरमौर (हि.0 प्र.0)।

व अदालत श्रीमती सुषमा बत्स, कार्यकारी दण्डाधिकारी एवं तहसीलदार, पच्छाद, जिला सिरमौर, हिमाचल प्रदेश

श्रीमती राजा देवी पत्नी श्री दया राम, निवासी ग्राम गनवार, डाकघर कोटला पंजोला, तहसील पच्छाद, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती राजा देवी पत्नी श्री दया राम, निवासी ग्राम गनवार, डाकघर कोटला पंजोला, तहसील पच्छाद ने इस अदालत में प्रार्थना-पत्र मय शपथ-पत्र गुजारा है कि उसकी पुत्री राजा देवी पत्नी दया राम का जन्म मिति 8-5-1964 को हुआ। जिसका इन्द्राज ग्राम पंचायत कोटला पंजोला तहसील पच्छाद में दर्ज नहीं हुआ है।—

अतः इस इशतहार द्वारा हर ग्राम व खस को सूचित किया जाता है कि यदि किसी को उक्त नाम व जन्म तिथियों को पंचायत रिकार्ड में दर्ज करने वाले कोई एतराज हो तो वह दिनांक 6-10-2006 को या इससे पूर्व अदालत में हाजिर होकर अपना एतराज पेश कर सकता है अन्यथा सचिव ग्राम पंचायत को सम्बन्धित उक्त नाम व जन्म तिथियां दर्ज करने वाले आदेश जारी कर दिये जायेंगे।

आज दिनांक 24-8-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

सुषमा बत्स,
कार्यकारी दण्डाधिकारी एवं तहसीलदार
पच्छाद, जिला सिरमौर, हिमाचल प्रदेश।

ब्र अदालत श्रीमती मुषमा वत्स, तहसीलदार एवं कार्यकारी दण्डाधिकारी,
पच्छाद, जिला सिरमौर, हिमाचल प्रदेश

श्री महिन्दर सिंह पुत्र श्री सन्त राम, निवासी ग्राम मोहर, डाकघर
नारग, तहसील पच्छाद, जिला मिरमौर, हिमाचल प्रदेश ।

वनमि

आम् जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री महेश्वर सिंद पुत्र श्री सन्त राम, निवासी 1म मोहर, डाकघर नाराय, तहसील पच्छाद ने इस अदालत में प्रायश्चात-पत्र मय अपय-पत्र गुजारा है कि उसको पुत्र निखिल कुमार का जन्म मिति 6-2-2001 को हुआ है, जिसका उन्नाज ग्राम पंचायत नाराय, तहसील पच्छाद में दर्ज नहीं हुआ है।

यतः इमं इतन्तहारद्वारा हर ग्राम व खाम को पुञ्जित किया जाता है कि यदि किसी को उक्त नाम व जन्म तिथि पंचांग रिकार्ड में दर्ज करने वारे कोई एतराज हो तो वह दिनांक 6-10-2006 वा इसमें पूरे अंदाजत में हाजिर होकर अपना एतराज पेश कर सकता है अन्यथा सचिव ग्राम पंचायत को सर्वस्वित्त उक्त नाम व जन्म तिथि दर्ज करने वारे आदेश जारी कर दिये जायें।

आज दिनांक 24-8-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर ।

मुपमा वत्स,
तहसील्दार एवं कार्यकारी दण्डाधिकारी,
पञ्छाद, जिला मिरमौर, हिमाचल प्रदेश ।

व अदालत श्रीमती सुष्मा वत्स, तहसीलदार एवं कार्यकारी दण्डाधिकारी,
पच्छाद, जिला सिरमौर, हिमाचल प्रदेश

श्री सोहन लाल पुत्र श्री नेक राम, निवासी ग्राम मोहर, डाकघर
नारन, तहसील पच्छाड़, जिला सिरमौर, हिमाचल प्रदेश ।

वनाम्

ग्राम जनता

दरखास्त जेर द्वारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री सोहन लाल पुत्र श्री नेक राम, निवासी ग्राम मोहर, डाकघर नारग, तहसील पच्छाद ने इस ज्वालत में प्रार्थना-पत्र मय शपथ-पत्र भुजारा है कि उसके पुत्र राजमोहन का जन्म मिति 26-12-2002 को हुआ है, जिसका इन्द्राज ग्राम पंचायत नारग, तहसील पच्छाद में दर्ज नहीं हुआ है।

अतः इस इश्टतार द्वारा हर ग्राम व बास को सूचित किया जाता है कि यदि किसी को उक्त नाम व जन्म तिथि पंचायत रिकार्ड में दर्ज करने बारे कोई एतराज हो तो वह दिनांक 6-10-2006 को या इससे पूर्व अदालत में हाजिर होकर अपना एतराज पेश कर सकता है अन्यथा सचिव ग्राम पंचायत को सम्बन्धित उक्त नाम व जन्म तिथि दर्ज करने बारे आदेश जारी कर दिये जायेंगे।

आज दिनांक 24-8-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हूँ।

मोहर ।

सुषमा वत्त,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
दण्डाद, जिजा सिरनौर, हिमाचल प्रदेश।

ब अदालत श्रीमती सुषमा बत्स, तहसीलदार व कार्यकारी दण्डाधिकारी,
पच्छाद, जिला सिरमौर, हिमाचल प्रदेश

श्री सुरेश कुमार पुत्र श्री विद्या दत्त, निवासी ग्राम बटोली, डाकघर
नैनाटिकर, तहसील पच्छाद, जिला सिरमौर, हिमाचल प्रदेश ।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री सुरेश कुमार पुत्र श्री विद्या दत्त, निवासी ग्राम बटोली, डाकघर
नैनाटिकर, तहसील पच्छाद ने इस अदालत में प्रार्थना-पत्र मय शपथ-पत्र
गुजारा है कि उसकी पुत्री बन्धना शर्मा का जन्म मिति 5-6-2001
को हुआ, जिसका इन्दाज ग्राम पंचायत नैनाटिकर, तहसील पच्छाद
में दर्ज नहीं हुआ है ।

अतः इस इशतहार द्वारा हर ग्राम व खास को सूचित किया जाता है कि
यदि किसी को उक्त नाम व जन्म तिथि पंचायत रिकार्ड में दर्ज करने बारे
कोई एतराज हो तो वह दिनांक 6-10-2006 को या इससे पूर्व अदालत
में हाजिर होकर अपना एतराज पेश कर सकता है अन्यथा सचिव ग्राम
पंचायत को सम्बन्धित उक्त नाम व तिथि दर्ज करने बारे आदेश जारी
कर दिये जायेंगे ।

आज दिनांक 24-8-2006 को मेरे हस्ताक्षर व मोहर अदालत
से जारी हुआ ।

मोहर ।

सुषमा बत्स,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
पच्छाद, जिला सिरमौर, हिमाचल प्रदेश ।

ब अदालत श्रीमति सुषमा बत्स, तहसीलदार एवं कार्यकारी
दण्डाधिकारी, पच्छाद, जिला सिरमौर हिमाचल प्रदेश

श्री देवदत्त पुत्र श्री नेक राम, निवासी ग्राम मोहर, डाकघर
नारग, तहसील पच्छाद, जिला सिरमौर, हिमाचल प्रदेश ।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधि-
नियम, 1969.

श्री देवदत्त पुत्र श्री नेक राम, निवासी ग्राम मोहर, डाकघर
नारग, तहसील पच्छाद ने इस अदालत में प्रार्थना-पत्र मय शपथ
पत्र गुजारा है कि उसके पुत्र यादविन्दर का जन्म मिति
15-6-2000 को हुआ है जिसका इन्दाज ग्राम पंचायत नारग, तहसील
पच्छाद में दर्ज नहीं हुआ है ।

अतः इस इशतहार द्वारा हर ग्राम व खास को सूचित किया
जाता है कि यदि किसी को उक्त नाम व जन्म तिथि पंचायत रिकार्ड
में दर्ज करने बारे कोई एतराज हो तो वह दिनांक 6-10-2006 को
या इससे पूर्व अदालत में हाजिर होकर अपना एतराज पेश कर
सकता है अन्यथा सचिव ग्राम पंचायत को सम्बन्धित उक्त नाम व
जन्म तिथि दर्ज करने बारे आदेश जारी कर दिये जायेंगे ।

आज दिनांक 24-8-2006 को मेरे हस्ताक्षर व मोहर अदालत
से जारी हुआ ।

मोहर ।

सुषमा बत्स,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
पच्छाद, जिला सिरमौर, हिमाचल प्रदेश ।

ब अदालत श्रीमति सुषमा बत्स, तहसीलदार एवं कार्यकारी
दण्डाधिकारी, पच्छाद, जिला सिरमौर, हिमाचल प्रदेश

श्री संहन लाल पुत्र श्री नेक राम, निवासी ग्राम मोहर, डाकघर
नारग, तहसील पच्छाद, जिला सिरमौर, हिमाचल प्रदेश ।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधि-
नियम, 1969.

श्री सोहन लाल पुत्र श्री नेक राम, निवासी ग्राम मोहर, डाक-
घर नारग, तहसील पच्छाद ने इस अदालत में प्रार्थना-पत्र मय
शपथ-पत्र गुजारा है कि उसकी पुत्री मिस प्राणा देवी
का जन्म मिति 11-1-2001 को हुआ है जिसका इन्दाज ग्राम
पंचायत नारग, तहसील पच्छाद में दर्ज नहीं हुआ है ।

पु.सं.नं. 10-3

अतः इस इशतहार द्वारा हर ग्राम व खास को सूचित किया
जाता है कि यदि किसी को उक्त नाम व जन्म तिथि पंचायत रिकार्ड
में दर्ज करने बारे कोई एतराज हो तो वह दिनांक 6-10-2006 को
या इससे पूर्व अदालत में हाजिर होकर अपना एतराज पेश कर सकता
है अन्यथा सचिव ग्राम पंचायत को सम्बन्धित उक्त नाम व जन्म
तिथि दर्ज करने बारे आदेश जारी कर दिये जायेंगे ।

आज दिनांक 24-8-2006 को मेरे हस्ताक्षर व मोहर अदालत
से जारी हुआ ।

मोहर ।

सुषमा बत्स,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
पच्छाद, जिला सिरमौर, हिमाचल प्रदेश ।

ब अदालत श्री सुभाष नन्दा, हि० प्र० से०, उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्री राकेश कुमार सुपुत्र श्री राम प्रकाश, निवासी कराड बेहड़,
तहसील अम्ब, जिला ऊना, हिमाचल प्रदेश ।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर-धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम,
1969.

श्री राकेश कुमार सुपुत्र श्री राम प्रकाश, निवासी कराड बेहड़ ने इस
अदालत में प्रार्थना-पत्र गुजारा है कि उसकी लड़की सुनाक्षी का जन्म
दिनांक 10-2-2005 को हुआ है परन्तु अज्ञानतावश वह उसकी
जन्म तिथि ग्राम पंचायत नहरी नौरंगा के रिकार्ड में दर्ज नहीं
करा सका है ।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है
कि यदि इस बारे किसी को कोई एतराज हो तो वह दिनांक
3-10-2006 को असालतन या वकालतन प्रातः 10.00 बजे हाजिर
होकर अपना एतराज पेश कर सकता है । निर्धारित अवधि के दौरान
कोई आपत्ति प्राप्त न होने पर प्रार्थना-पत्र श्री राकेश कुमार पर नियमा-
नुसार कार्यवाही की जाएगी ।

आज दिनांक 31-8-2006 को मेरे हस्ताक्षर व मोहर अदालत
से जारी हुआ

मोहर ।

सुभाष नन्दा,
उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना हिमाचल प्रदेश ।

ब अदालत श्री सुभाष नन्दा, हि० प्र० से०, उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्री कुशल देव सुपुत्र श्री चानन सिंह, निवासी अभयपुर, तहसील
अम्ब, जिला ऊना, हिमाचल प्रदेश ।

बनाम

ग्राम जनता

प्राथना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री कुशल देव सुपुत्र श्री चानन सिंह, निवासी अमरपुर ने इस अदालत में प्राथना-पत्र गुजारा है कि उसके दादा श्री जय सिंह सुपुत्र घाथा की मृत्यु दिनांक 13-1-1989 को हुई थी परन्तु अज्ञानतावश वह उनकी मृत्यु तिथि ग्राम पंचायत अमरपुर के रिकार्ड में दर्ज नहीं करा सका है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि इस बारे किसी को कोई एतराज हो तो वह दिनांक 3-10-2006 को असालतन या वकालतन प्रातः 10.00 बजे हाज़िर अदालत होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् आपत्ति प्राप्त न होने पर प्राथना-पत्र श्री कुशल देव पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 31-8-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर। मुभाष नन्दा,
उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश।

व अदालत श्री मुभाष नन्दा, हि० प्र० से०, उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्रीमती सीता देवी सुपुत्री श्री रोशन लाल पत्नी श्री बलबीर सिंह,
निवासी खनी, तहसील गढ़शकर, जिला होशियारपुर (पंजाब)।

बनाम

आम जनता

प्राथना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती सीता देवी सुपुत्री श्री रोशन लाल पत्नी श्री बलबीर सिंह, निवासी खनी ने इस अदालत में प्राथना-पत्र गुजारा है कि उसकी लड़की ज्योति देवी पुत्री श्री बलबीर सिंह का जन्म दिनांक 4-10-1994 को हुआ था परन्तु अज्ञानतावश वह उसकी जन्म उसके मायके टटेहड़ा में तिथि ग्राम पंचायत टटेहड़ा के रिकार्ड में दर्ज नहीं करा सकी है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि इस बारे किसी को कोई एतराज हो तो वह दिनांक 3-10-06 को असालतन या वकालतन प्रातः 10.00 बजे हाज़िर होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्राथना-पत्र श्रीमती सीता देवी पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 31-8-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। मुभाष नन्दा,
उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश।

व अदालत श्री मुभाष नन्दा, हि० प्र० से०, उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्रीमती सुमन कुमारी पत्नी श्री गुरमिन्द्र सिंह, निवासी सधानी तहसील मुकौरिया, जिला होशियारपुर (पंजाब)।

बनाम

आम जनता

प्राथना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती सुमन कुमारी पत्नी श्री गुरमिन्द्र सिंह, निवासी सधानी ने इस अदालत में प्राथना-पत्र गुजारा है कि उसके लड़के निखिल राणा पुत्र श्री गुरमिन्द्र सिंह का जन्म दिनांक 12-8-2002 को दोलतपुर अस्पताल तहसील अम्ब में हुआ था परन्तु अज्ञानतावश वह उसकी जन्म तिथि ग्राम पंचायत दोलतपुर चोक के रिकार्ड में दर्ज नहीं करा सकी है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि इस बारे किसी को कोई एतराज हो तो वह दिनांक 3-10-2006 को असालतन या वकालतन प्रातः 10.00 बजे हाज़िर होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्राथना-पत्र श्रीमती सुमन कुमारी पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 31-8-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर। मुभाष नन्दा,
उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश।

व अदालत श्री मुभाष नन्दा, हि० प्र० से०, उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्री गुलजारी लाल सुपुत्र श्री भौटू राम, निवासी जवेहड़, तहसील अम्ब, जिला ऊना, हिमाचल प्रदेश।

बनाम

आम जनता

प्राथना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री गुलजारी लाल सुपुत्र श्री भौटू राम, निवासी जवेहड़ ने इस अदालत में प्राथना-पत्र गुजारा है कि उसके लड़के राज कुमार का जन्म दिनांक 19-9-1971 को हुआ था परन्तु अज्ञानतावश वह उसकी जन्म तिथि ग्राम पंचायत जवेहड़ के रिकार्ड में दर्ज नहीं करा सका है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि इस बारे किसी को कोई एतराज हो तो वह दिनांक 3-10-2006 को असालतन या वकालतन प्रातः 10.00 बजे हाज़िर होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्राथना-पत्र श्री गुलजारी लाल पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 31-8-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। मुभाष नन्दा,
उप-मण्डलाधिकारी (ना०), अम्ब,
जिला ऊना, हिमाचल प्रदेश।

व अदालत श्री मुभाष नन्दा, हि० प्र० से०, उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्री करनैल चन्द सुपुत्र श्री रोशन लाल, निवासी परम्ब, तहसील अम्ब, जिला ऊना, हिमाचल प्रदेश।

बनाम

आम जनता

प्राथना-पत्र जेर-धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री करनैल चन्द सुपुत्र श्री रोशन लाल, निवासी परम्ब ने इस अदालत में प्राथना-पत्र गुजारा है कि उसके लड़के अंकित कुमार का

जन्म दिनांक 20-10-2003 को हुआ था परन्तु अज्ञानतावश वह उसकी जन्म तिथि ग्राम पंचायत सलौई के रिकार्ड में दर्ज नहीं करा सका है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि इस बारे किसी को कोई एतराज हो तो वह दिनांक 3-10-2006 को असालतन या बकालतन प्रातः 10.00 बजे हाजिर होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्रार्थना-पत्र भी करतल बन्द पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 31-8-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

मुभाष नन्दा,
उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश।

ब अदालत श्री मुभाष नन्दा, हि० प्र० से०, उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्री मेहर बन्द सुपुत्र श्री पोहलु राम, निवासी अम्बोटा, तहसील अम्ब,
जिला ऊना, हिमाचल प्रदेश।

बनाम

आम जनता

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम,
1969।

श्री मेहर बन्द सुपुत्र श्री पोहलु राम, निवासी अम्बोटा ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उसकी लड़की श्रीमती सुमन लता पत्नी श्री बलबीर सिंह, निवासी मेड़ी की मृत्यु दिनांक 10-5-2006 को गांव अम्बोटा में उसके पिता के घर में हुई थी परन्तु अज्ञानतावश वह उसकी मृत्यु तिथि ग्राम पंचायत अम्बोटा के रिकार्ड में दर्ज नहीं करा सका है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि इस बारे किसी को कोई एतराज हो तो वह दिनांक 3-10-2006 को असालतन या बकालतन प्रातः 10.00 बजे हाजिर होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्रार्थना-पत्र भी मेहर बन्द पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 31-8-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

मुभाष नन्दा,
उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश।

ब अदालत श्री मुभाष नन्दा, हि० प्र० से०, उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्रीमती बिमला देवी पत्नी श्री विश्वनाथ, निवासी धनारो,
तहसील अम्ब, जिला ऊना, हिमाचल प्रदेश।

बनाम

आम जनता

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम,
1969.

श्रीमती बिमला देवी पत्नी श्री विश्वनाथ, निवासी धनारो ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उनकी माय श्रीमती रामरत्ना पत्नी श्री बपोध्या दास की मृत्यु दिनांक 28-7-2001 को हुई थी

परन्तु अज्ञानतावश वह उसकी मृत्यु तिथि ग्राम पंचायत धनारो के रिकार्ड में दर्ज नहीं करा सकी है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि इस बारे किसी को कोई एतराज हो तो वह दिनांक 3-10-2006 को असालतन या बकालतन प्रातः 10.00 बजे हाजिर होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्रार्थना-पत्र श्रीमती बिमला देवी पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 31-8-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

मुभाष नन्दा,
उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश।

ब अदालत श्री मुभाष नन्दा, हि० प्र० से०, उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्री पवन कुमार राणा सुपुत्र श्री जागीर सिंह, निवासी रायपुर
मरवाड़ी, तहसील अम्ब, जिला ऊना, हिमाचल प्रदेश।

बनाम

आम जनता

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम,
1969.

श्री पवन कुमार राणा सुपुत्र श्री जागीर सिंह, निवासी रायपुर
मरवाड़ी ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उसकी लड़की
श्रीमती रानी का जन्म दिनांक 22-8-2001 को हुआ था परन्तु
अज्ञानतावश वह उसकी जन्म तिथि ग्राम पंचायत रायपुर के
रिकार्ड में दर्ज नहीं करा सका है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि इस बारे किसी को कोई एतराज हो तो वह दिनांक 3-10-2006 को असालतन या बकालतन प्रातः 10.00 बजे हाजिर होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्रार्थना-पत्र श्री पवन कुमार राणा पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 31-8-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर

मुभाष नन्दा,
उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश।

ब अदालत श्री मुभाष नन्दा, हि० प्र० से०, उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्रीमती किरण बाला पत्नी श्री जेष्ठर, निवासी डगोह, तहसील
अम्ब, जिला ऊना, हिमाचल प्रदेश।

बनाम

आम जनता

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम,
1969.

श्रीमती किरण बाला पत्नी श्री जेष्ठर, निवासी डगोह ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उनके लड़के अखिल कुमार सुपुत्र

श्री शेखर का जन्म दिनांक 4-4-2001 को हुआ था परन्तु अज्ञानतावश वह उसकी जन्म तिथि ग्राम पंचायत इंगोह के रिकार्ड में दर्ज नहीं करा सका है। 4

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि यदि इस बारे में किसी को कोई उजर हो तो वह दिनांक 3-10-2006 को अमालतन या बकालतन प्रातः 10.00 बजे हाजिर होकर प्रपना एतराज पेश कर सकता है। निर्धारित प्रतधि के पश्चात कोई आपत्ति प्राप्त न होने पर प्रायना-पत्र श्रीमती किरण बाला पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 31-8-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

मुभाप नन्दा,
उप-मण्डलाधिकारी (ना०),
अम्ब, जिला ऊना, हिमाचल प्रदेश।

ब अदालत नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
ऊना, जिला ऊना (हि० प्र०)

ब मुकद्दमा : जन्म, प्रमाण-पत्र।

मलकीयत कोर

बनाम

जाम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

श्रीमति मलकीयत कोर परनी श्री जमवीर सिंह, निवासी गांव ददड़ोली, तहसील आनन्दपुर माहिब, तहसील ब जिला रोपड़ ने इस न्यायालय में दरखास्त दी है कि उसकी पुत्री दलजीत कोर, का नाम पंचायत रजिस्टर में गलती से दर्ज न करवाया जा सका है और अब दर्ज करवाया जावे। उसकी पुत्री का नाम दलजीत कोर है, जन्म तिथि 27-10-1995 है तथा बच्ची का जन्म स्थान मजारा है।

अतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धित रिस्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त बच्ची का नाम दर्ज होने में कोई आपत्ति हो तो वह दिनांक 31-9-2006 को प्रातः दस बजे स्वयं प्रथवा प्रसालतन या बकालतन इस अदालत में हाजिर आकर पेश कर सकता है अन्यथा यकतरफा कार्यवाही प्रमय में लाई जाकर प्रमाण-पत्र जारी करने के आदेश दे दिये जाएंगे।

आज दिनांक 31-8-2006 को हस्ताक्षर मेरे व मोहर अदालत द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/-
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
ऊना, जिला ऊना (हि० प्र०)।

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

-ग्रन्थ-

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा ग्रन्थ
निर्वाचन सम्बन्धी अधिसूचनाएं

-ग्रन्थ-

अनुपरक

-ग्रन्थ-

